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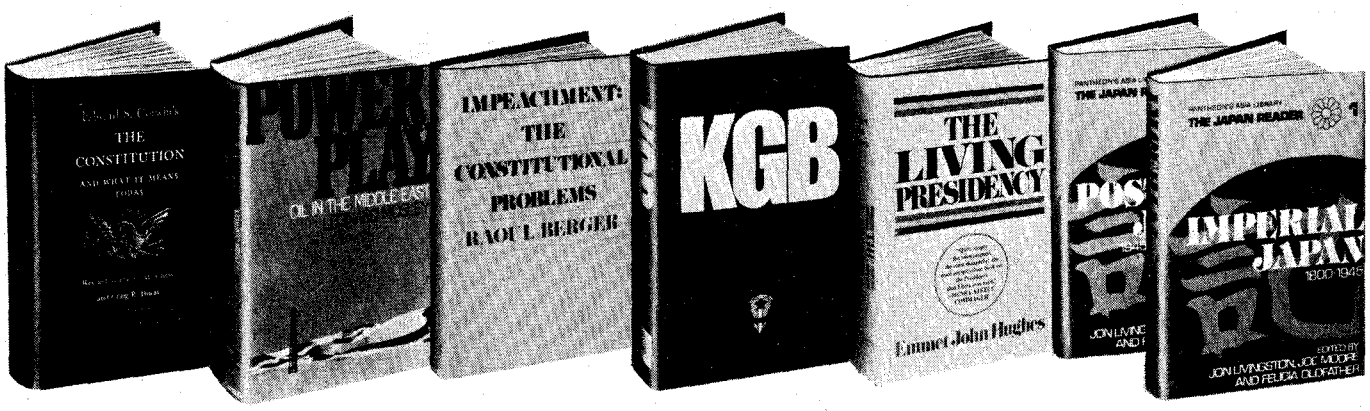

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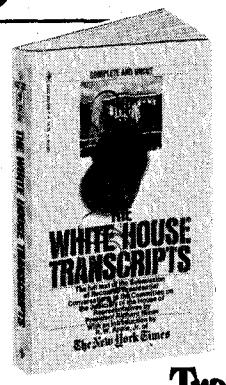

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TRB

from Washington
July 6, 1974

Coming to a Head

President Nixon normally returns elated from foreign trips with the feeling that he has finally established his image and diminished domestic problems. We assume that that will be his mood after Moscow. He has carried the flag abroad, dominated the news, demonstrated his authority. We ardently hope his trip is successful. We assume he won't belittle his accomplishments.

But if he thinks Watergate is abated he has underestimated the public once more, as he did when he fired Archibald Cox and as he did when he released the White House transcripts. He is curious that way; he doesn't seem to realize what he is doing. He published the transcripts after a speech explaining that these would put the whole issue of his guilt to rest. How many times he has told the country that he is now finally settling something or other. This lack of comprehension was vividly illustrated in his sessions with Haldeman, Ehrlichman and Dean as they sat around busily composing "scenarios" and figuring how to "PR" the situation. Back there in his subconscious somewhere, Mr. Nixon is always trying to repeat the Checkers speech.

The fact is that Mr. Nixon has troubles in Washington. Various events are finally approaching conjunction. The overture ends; the play starts.

The monumental report of the seven-man Ervin committee is about ready and scheduled shortly for the Senate, perhaps for Thursday, July 11. The Ervin committee, you remember, is the body that brought you on television Dean and Mitchell and Stans and Haldeman and Ehrlichman and all the rest. It was created to propose legislation that would prevent Watergates. The report should be a spectacular: it will remind people of the origin of the wretched affair.

At about the same time, the Supreme Court will hear oral arguments (July 8) on how far presidential privilege goes and whether Mr. Nixon must give up those tapes of 64 White House conversations. Can he defy Special Prosecutor Leon Jaworski? Some think the high tribunal is unwise to get into this row. It didn't need to, but it accepted jurisdiction. In Andrew Johnson's impeachment only Congress and White House were involved; now all three separate powers of the government are mixed in; it is a "historical first."

As to the Court, Mr. Nixon seems to be caught between scissor blades: he is taking another of his big gambles. On one hand he is embarrassed, presumably, if the tapes are published; why otherwise would he make the tremendous fight to conceal them? On the other hand if the Court rules against him (as the weight of legal opinion here assumes likely), he will take the final risk if he defies the edict. That would bring immediate impeachment.

The Court may decide in Mr. Nixon's favor, with consequences considerably transcending the specific issue of publication of the tapes. It would be a psychological victory for him at a crucial moment. It would set his critics aback and could possibly abort the whole impeachment process. Historically it would also establish a court interpretation of the executive's right to defy other parts of the government that would make us take a new, long look at the whole presidential system.

The third key development is, of course, the House impeachment committee itself. It is approaching the climactic stage after seven dreary weeks of methodical behind-the-doors testimony, accompanied by leaks. On the day Mr. Nixon started for Moscow the committee voted to release all 7200 pages of its impeachment evidence, with the exception of classified material dealing with Mr. Nixon's secret bombing of Cambodia. The committee voted 22 to 16, with six Republicans joining 16 Democrats in the majority. Opposing release were 11 Republicans and five Democrats. The next day, after some partisan skirmishing, the committee agreed 33 to five to hear five witnesses—Alexander Butterfield, Herbert Kalmbach, Henry Petersen, John Dean and Frederick LaRue.

Finally, of course, the trial began here last week of Ehrlichman and three others in the break-in of Daniel Ellsberg's psychiatrist. The antecedent of this episode was the imperious order from Mr. Nixon in June 1971, described by Chuck Colson, his special counsel: "I don't give a damn how it is done, do whatever has to be done to stop these leaks and prevent further unauthorized disclosures; I don't want to be told why it can't be done."

That directive fathered Watergate.

Forty years from now, looking back at 1974, what will historians say? Contemporary accounts will show how normal it was. No riots; no bloodshed. The rows of tulips presenting arms in the beds before the White House are replaced by geraniums. Government clerks commute and eat snacks in the hot parks. Tourists climb the Washington Monument and throng the White House. Things seem unchanged. People are more interested in inflation. An election in Canada draws no interest; other democracies change governments easily but so what? Hysteria? There should be—the very presidency is at stake. There was hysteria during Andrew Johnson's ordeal; not now. The mood is bewilderment, confusion, vast irritation. But efforts to panic the one-quarter to one-third who support the President don't get far.

Congress is different. There is a mood that this reporter has never before seen. A kind of gloomy lethargy. Committees mark time. Reporters don't attend. Congress looks down the tunnel at what it may have to do—and shudders. It affects news commentators. What in God's name is the public thinking? Many who were sure there would be impeachment now begin to wonder.

We think the public is out there waiting, far ahead of Congress. It has lost track of details; it has made up its mind; somehow or other we should get another President.

The public knows the score, we think. Warrantless wiretaps, White House gestapo, secret bombing, burglarizing for national security, taxless income, a President who won't say whether he will obey the Supreme Court . . . they understand. Conviction of 34 individuals and 10 corporations so far, and a dozen more indicted. It isn't all that complicated. Doesn't the Constitution say the President must enforce the laws?

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Contents

Comment
Feeding a Hungry World, Fertility Rates, Sex and the Schools, Stonewall Jackson

Nuclear Aid—*Herbert Scoville, Jr.*

The Nixon Watch: Kissinger's Threat—*John Osborne*

The Silbert-Petersen Puzzle—*Walter Pincus*

Beyond Antitrust—*Peter Barnes and Derek Shearer*

Films—*Stanley Kauffmann*

Books—Reviews by *Milton Cantor, Allan J. Lichtman, Kenneth Burke, Robert Boyers, Muriel Haynes, James Gilbert*

Jazz—*Bruce Cook*

Fine Print—*Doris Grumbach*

Correspondence

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Feeding a Hungry World

Between pressing engagements, Secretary Kissinger found time last autumn to encourage the United Nations to hold a conference on food. Although he had testified before a Senate committee that "we had not thought in the past that agricultural exports required foreign policy decisions," a National Security Council study convinced him to explore new ways of promoting an international approach to the related issues of food aid and development. To underscore US interest in the World Food Conference that will be held in Rome this November, Kissinger created an *ad hoc* State Department staff and appointed Edwin Martin, formerly chairman of the Development Assistance Committee of the OECD, US ambassador to Argentina, and assistant secretary of State to direct its preparatory work. Already three central topics have emerged: the improvement of food production in industrialized and developing nations, continuation of disaster food relief and an expansion of world grain reserves, and changing patterns of international trade.

World population expands at two percent annually; at this rate maintaining present per capita consumption will require doubling food production by the turn of the century. That's a very large order. Rising affluence has a marked impact on food consumption. In poor countries the available grain per person averages 400 lbs. a year, usually consumed directly. In North America a ton of grain is consumed annually per person; 150 lbs. directly, the rest in meat, milk and eggs. In the United States the per capita consumption of beef was 55 lbs. in 1940 and rose to 117 lbs. by 1972. Appetites grow with feeding. The northern tier of industrial nations (the United Kingdom, Scandinavia, Western and Eastern Europe, the Soviet Union and Japan) are becoming like America in 1940. Although the annual increase in global production of grain recently has been 30 million tons, 22 million tons are absorbed by population growth and eight million by rising incomes. Traditionally more food has come from putting more land under cultivation. But the demands on land for industrial use, recreation or transportation facilities competes with agricultural expansion in the US, as in Japan and Western Europe. The Middle East, Africa, Central America and the Andean region are in turn losing acreage because of soil erosion.

In certain parts of the world, Asia, for example, famine has been

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avoided so far by raising the output on already cultivated land. The use of new high-yield dwarf wheat and rice has helped India, Pakistan and the Philippines approach temporary self-sufficiency in foodstuffs. This intensification of cultivation in the early '70s accounted for four-fifths of the growth in food production. But in Europe, Japan and the United States the resources required to increase yield per acre for some crops are going up: raising yields of corn in the US from 90 to 100 bushels per acre takes more nitrogen, for example, than raising yields from 50 to 60 bushels.

Some attempts to increase food production have been self-defeating. Thus efforts to catch more anchoveta off the coast of Peru seriously depleted the stock of that fish and threatened its existence. In the Sahel region of West Africa the drought of the last few years has been a grievous reminder of how the ecological balance of a region can be upset by the need to feed a growing population: overgrazing and deforestation led to a decline in food production capacity and hastened the southern spread of the desert. An AID report in 1972 had taken note of the problems that have turned the Sahel into a disaster area, but bureaucratic inertia, the hesitancy of the local governments to admit the gravity of their plight, and the difficulties of distributing food over terrain that lacks adequate transportation facilities made the situation worse. The US has donated, conservatively estimated, $350 million of relief to the Sahel. It was not wasted, but it will not reap the benefits developmental aid might have had. In part as a result of donations to the Sahel and Ethiopia, world grain reserves have fallen to their lowest level in 20 years, and even with good crops anticipated in many countries this year, reserves are expected to diminish further.

Since World War II there have been two sources of reserve: grain stocks from the United States, Canada, Australia and Argentina, and idle cropland in each of these nations. The US grain reserve has fluctuated from a high of 155 million metric tons to 100 million. At the lower figure, which is eight percent of the annual world grain consumption, there is a small working reserve, a minimal buffer against bad weather or plant disease. In 1965-67 a food shortage necessitated dipping into that reserve and impelled the US to bring a small portion of 50 million idle acres into production. The 1971 corn blight then forced the government to lower its grain reserve further and bring another portion of idle acreage into use. The growing scarcities of the past year have drawn the reserves down to their present low level and have discouraged the government from paying for any land to lie idle.

COMING: the spoils system, circa 1972—a report on the "responsiveness" program

The United States and Canada, as noted, control a larger share of the exportable supply of grains than the Middle East does oil; North America is the world's breadbasket. The $12.9 billion farm exports of fiscal '73 indicate how the American agricultural capacity can and did help redress a balance of payments deficit. However the 20-year drought cycle in North America—we are due for a dry season sometime in the mid-'70s—is a harbinger of trouble given world dependence on this continent. The competition for supplies that might arise should a drought occur was foreshadowed last year in India. Grain prices practically doubled, and when a country spends 80 percent of its income on food, a doubling in price is strangling. The belt can be tightened no further.

We are not where we were 20 years ago, when the Food for Peace program (PL480), was begun. That humanitarian initiative was based on the assumption of constant surpluses. Inevitably the reduction of US reserves has led to severe cuts in PL480, which now gets less than a billion dollars a year in appropriations. Lately AID has been shifting its emphasis to food developmental projects and plans to use the almost 40 percent increase in appropriations pending in Congress for renewed efforts in this direction. Staff members welcome the phasing out of direct gifts of food (except for famine relief), having found that donations often served as disincentives for people to fully exploit their own resources.

What is to be done from here on out? In 1973 Dr. A. H. Boerma of the UN Food and Agriculture Organization recommended setting up a global food reserve. Long before that, in 1945, John Boyd-Orr, the first director of the FAO, and the man who said "you can't build peace on empty stomachs," proposed purchasing and storing food reserves. The idea's time may have arrived. Some of our agribusinessmen and farmers resist the proposal, fearing that food from a reserve system would be dumped on the market to depress prices. Secretary of Agriculture Butz was thought to share that fear at first. Now, however, he seems to agree with the Secretary of State that some kind of reserve plan must be adopted. While Butz prefers a limited reserve that would be used only in disasters and is skeptical about a market stabilization scheme, the coordinating staff, with Secretary Butz included in discussions, is considering a system that would be tapped for relief as well as outright disasters. PL480 provides authority for the Department of Agriculture to buy food reserves. Since all the funds appropriated by Congress have never been spent by the executive branch, the Office of Management and Budget must

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e persuaded to release unused money on request rom concerned departments.

Establishing such a world reserve, whether in a central location or maintained by separate nations, would e an immediate sign of the World Food Conference's erious purpose. But the UN membership will have o concentrate as well on increasing food production n developing countries, and encouraging better ational nutrition policies in member states. We know hat the developing countries have nearly one-half the world's agricultural lands (excluding China), but they ave only 17 percent of its agricultural scientists and nly 11 percent of the money spent worldwide on gricultural research. To illustrate the imbalance, ndia and the United States have the same crop area; ut if India's yield equalled that of the US, its annual ereal production would be 230 million metric tons ather than the present 100 million.

The food agenda is lengthy. Marine biologists told the Senate Select Committee on Nutrition and Human Needs that the global catch of fish is at or near the maximum sustainable level: the Law of the Sea Conference in its deliberations in Venezuela must find some formula for greater cooperation among competitive fishermen. Agronomists have told the committee that with America producing 90 percent of the world's soybeans, a high-protein substitute for beef, and with 85 percent of the fourfold increase in soybean production since 1950 coming from expanded land cultivation, scientists must find a way to intensify soybean cultivation. Likewise techniques for making more water available for agriculture have to be developed and put to work, such as diverting rivers (a Soviet experiment), desalting sea water, and manipulating rainfall. The question of fertilizer production came up in the Senate committee discussion of the energy crisis, since one of the main raw materials for synthesis of nitrogen fertilizer is natural gas, and one of the major costs of synthesis is energy. A representative of AID told the senators about the success of organizations like the International Institute of Tropical Agriculture in Nigeria, where grains adaptable to that climate are being developed, and pointed to the benefits of labor intensive food production; he presented evidence that small farmers, with the right expertise and equipment, produce more intensive cultivation and generally higher yields per acre than larger farmers.

The 1974 crop around the world is expected to be a good one. But if the monsoon fails in India or the drought extends further into Africa, or if North American crops are less than anticipated, the minimal 27-day world food reserve would not meet world needs. "The perpetual struggle for room and food" that Malthus foresaw would then no longer be limited to places like India, Bangladesh or Africa: it will be everyman's struggle. And the time for everyman to moderate the bitterness and anguish of that struggle is now.

Fertility Rates

We have known for several years that fertility rates in the United States are declining. A just-reported study by Planned Parenthood researchers pinpoints where that decline has been sharpest and incidentally calls our attention to one federally funded social program that seems to be working and of which not much is heard. The researchers have found that birth rates among low-income Americans are going down faster than those in the population as a whole. Per thousand poor families, there were 152.2 births each year in the early '60s. In 1971-72 that rate dropped to 108.5. At the same time the birth rate among higher-income families dropped less sharply, from 98.1 to 71.0. The poor nonwhite birth rate went down more than that of poor people generally.

Why this differential rate of decline? Family planning specialists agree that it's in part attributable to federal birth control programs that began in earnest in 1970 and now serve almost five million, mostly lower-income, people. Frederick S. Jaffe, one of Planned Parenthood's researchers, believes that three factors help explain the phenomenon. First, modern "coitus-independent" methods of birth control, such as the IUD and oral contraceptive, have made family planning more convenient. Second, the federal government, which provides low-income people with any accepted technique at little or no charge, has reached millions who never before had access to birth control devices. And third, the existence and success of the federal, as well as nongovernmental programs, has helped make family planning publicly as well as privately acceptable.

The current federal family planning program was established four years ago in order to make a variety of modern contraceptive techniques available to people who couldn't afford them, or didn't know what they were. Since "the poor" means nonwhite in many areas, planners anticipated outcries of "genocide against black people." There were some at first, but almost none today. Dr. Cyril Crocker, a black gynecologist and public health specialist who directs the large and successful federally funded program at Washington, DC's Howard University, uses a low-key, commonsense approach in explaining to his black patients that family planning can benefit them. He emphasizes the use of birth control by younger couples to space their children; he doesn't say they shouldn't have children. The center has no media publicity; it makes its services known quietly among women having abortions or babies at the adjacent Freedmen's Hospital.

The Department of Health, Education and Welfare gives "project grants" to local nonprofit organizations —hospitals, health departments, clinics and Planned Parenthood units, which in turn provide any effective birth control technique the patient requests. The "pill"

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(73 percent of all patients) and the IUD (17 percent) are in most demand. They also give Pap smears and other tests, often to women who couldn't pay for them; in appropriate cases they provide sterilization services, infertility treatment and even prenatal care for pregnant women.

One thing federally funded units do not provide is abortion; they are forbidden by law to do so and most do not even make referrals for abortions. But the program is up for renewal in Congress this year (it is now operating under a 90-day continuing resolution), and there is some anxiety that the "right-to-life" forces will nevertheless attempt to cripple it. Dr. Carl S. Shultz, director of HEW's Office of Population Affairs, notes that the anti-abortionists are unhappy with the widespread use of the IUD, which they regard as an abortion technique. Dr. Shultz would be "very opposed" to any limiting amendments.

Although the family planning program is not thought to be in any serious jeopardy, the Nixon administration is opposing a projected increase in funding from the current level of about $125 million a year to $150 million or higher. House and Senate bills now in committee provide for such increases. And why not? How many federal programs have had such a statistically verifiable record of accomplishment?

Sex and the Schools

The Department of Health, Education and Welfare does not move with the light step of the thoroughbred, but with the earnest, plodding tread of the workhorse. On June 18 after much labor, it delivered a set of rules designed to end sex discrimination in one sector under federal sway—education. The proposed guidelines for elementary, secondary schools, colleges and graduate schools were announced almost two years to the day after passage of the law that mandated them. By a tentative guess of HEW Secretary Weinberger, they go into effect sometime early next year. It is a cultural revolution of sorts, and many people are upset, particularly the fans and promoters of big-time college sports. They feel that the government has pushed the anti-discrimination rules beyond reasonable limits. They foresee chaos on the football field.

The National Collegiate Athletic Association says that nine out of 10 of its members lose money on their athletic programs, and that last year members lost $49.5 million sponsoring intercollegiate games. The NCAA shudders to think what could happen in the future. Though softened somewhat from the original draft of this January, the HEW rules require every college that accepts federal money to provide "comparable" training, facilities, recruitment and travel financing in athletics for both sexes. The NCAA ha whipped up a storm in the sports columns on the as sumption that equal amounts of money would have t be spent on men and women, though the regulation state emphatically that "equal aggregate expenditure are not required." What is required is affirmativ action. Colleges will have to ask students what kind of sports they would like funded, and, for example, i enough women at Texas University want to play foot ball, Texas will have to give them a coach and a fiel where they can do their thing. More controversia and more likely to cause problems is the rule that re cruitment for teams must be "comparable." Thus fo a sport like tennis played by men and women, a col lege would be expected to offer as many scholarship to women players as to men, and give them an equa allotment of travel expenses and time on the courts.

Although the effect of the guidelines on college sports has been widely publicized, it is not the most important issue, either in the estimation of women's groups or HEW. One of the HEW staffers who helped design the rules, Peter Holmes, thinks that the most concentrated impact will be felt in the hiring and promotion of secondary and elementary school officials. According to Holmes, though many women teach, few are employed in the upper administrative levels. The employment section does not depart from standards already being applied to public schools, but it provides a fresh impetus for enforcement. Until now only the colleges have felt the lash, because women applying for college positions seem more likely to file a complaint when slighted. The rules say that no person shall be denied a job or promotion on the basis of sex, and they require employers to treat pregnancy as an ordinary disability—like the flu.

Margaret Dunkle, an associate at the Project on the Status and Education of Women at the Association of American Colleges, says the new regulations will have "a profound effect on all schools." It may not seem important, she says, but "one of the things that people will get most excited about is the rule that forbids differential curfews and codes of conduct." Some colleges feel strongly that as substitute parents they must require female students to be in their rooms,

SUMMER SCHEDULE:

next week's issue will be omitted, as will those of August 10 and 24

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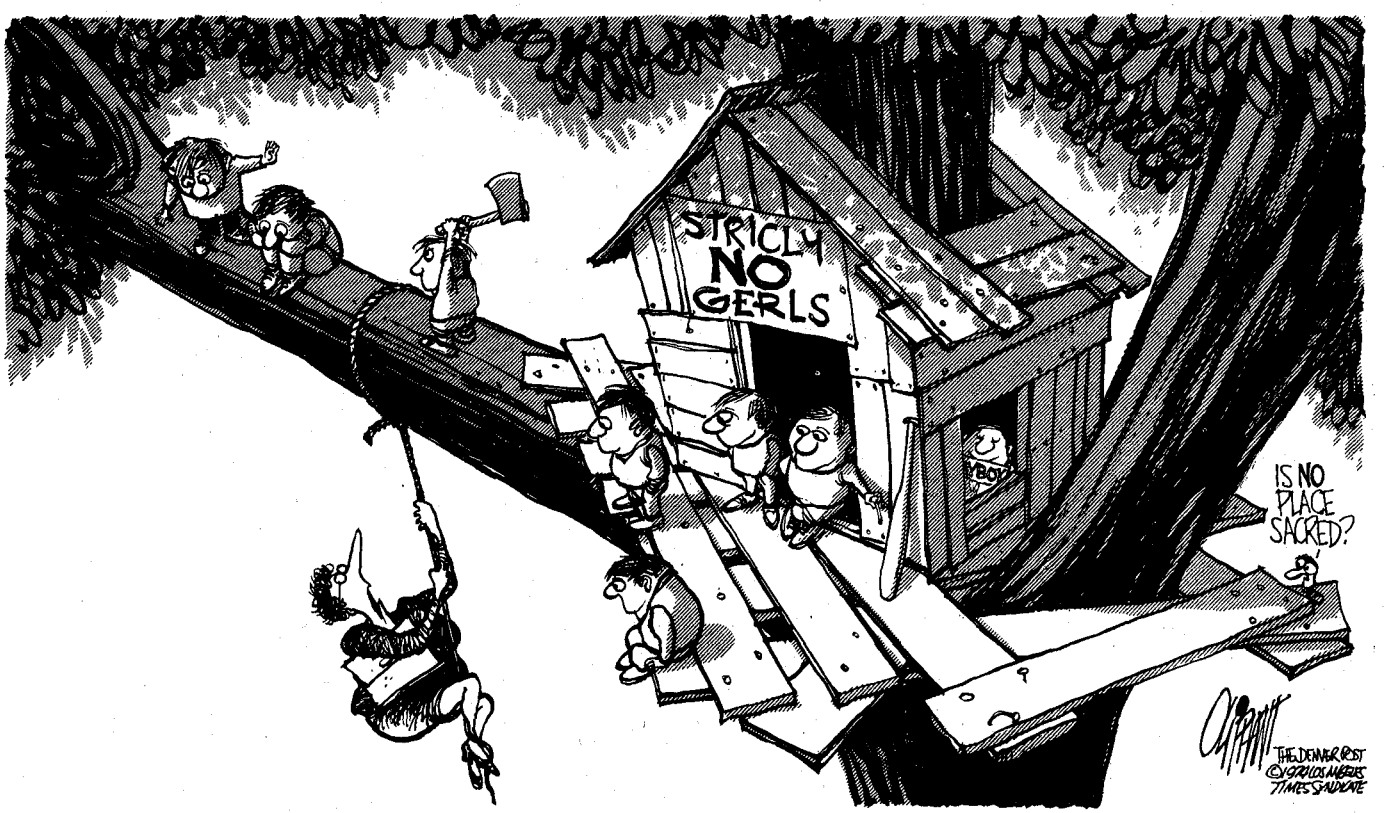
without visitors, by a certain hour. The new rules say you can't have standards for women unless you apply them to men as well. The same is true for dress. Pregnant students will not be asked to live in separate dorms or attend separate classes, nor will they be excluded from competition for homecoming queen. In secondary schools, boys will not be excluded automatically from classes in home economics, nor girls from shop.

Another fringe area where the rules may bite is the sponsoring of single-sex organizations on campus such as Phi Delta Kappa, honorary associations, fraternities and sororities. HEW says that colleges receiving federal aid will not be allowed to give "substantial" support to such groups if they continue to exclude either sex. This could have the ironic effect of forcing women's centers on campus to admit men. The new regulations will not, as some fear, require coed dorms and bathrooms, only that dorms for men and women be of comparable quality. Ms. Dunkle says that if either sex is allowed special options, such as living in a single room, having a private apartment, keeping a pet, then the same must be allowed the other sex.

The guidelines do not affect the military academies in any way (by congressional mandate), nor do they touch religious schools "to the extent compliance would be inconsistent with religious tenets." They do not require elementary or secondary schools that have traditionally been single-sex (like Boston Latin) to integrate, nor do they require private colleges to do so. However, all vocational schools and graduate schools will have to admit men and women on an equal basis. The rules forbid discrimination in the granting of scholarships, but they exempt scholarships funded by a foreign trust (read Rhodes, though a move is underway in England to open Rhodes scholarships to women). The government wisely decided not to become entangled in the question of sex stereotyping in textbooks and curricula, a hot controversy among women's groups but one that Weinberger says is not within federal purview.

One can understand why college deans are unhappy. The regulations provide new tools for the activists and new hooks on which to hang class action suits. (Margaret Dunkle says that the Wage and Hour Division of the Department of Labor is about to decide for all time whether Harvard College is or is not coed, since Harvard itself hasn't made up its mind.) But one cannot say these institutions are being bullied. Secretary Weinberger made it plain in his press conference that HEW doesn't intend to be overzealous in enforcing the rules. The two-year delay in bringing them out is an indication of what can be expected. In answering a question on fraternities, Weinberger said: "We would like to have a degree of flexibility in the institutions to preserve and to continue to make their decisions to the greatest extent possible."



"I'm from the American Civil Liberties Union and we've had a complaint. . . ."

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Stonewall Jackson

The dispute between Sen. Jackson and Secretary Kissinger over Soviet-American ties, which has been simmering for years, rose to a boiling point on the eve of the President's journey to Moscow and it is not likely to cool off. For Jackson believes that a tough line will help him in his bid for the White House and is determined to wield his considerable influence on Capitol Hill to prevent a strengthening of US links with the Kremlin. His stonewalling has been facilitated by Kissinger's own inability to sell his Soviet policy in certain quarters of Washington. First as the President's special adviser and now as Secretary of State, Kissinger has too seldom bothered to consult anyone beyond his inner circle, and the loner style has made him vulnerable to powerful adversaries like Jackson, who are constantly on the lookout for pretexts to attack him and his policy of détente. The Secretary has failed to fully appreciate the importance of congressional backing on several key issues involving the Russians, and unless he is more open and flexible in the future, he is bound to face increasing harassment by congressional critics and their bureaucratic allies.

The latest round in the battle is being fought over a technical aspect of the 1972 strategic arms limitation treaty. Paul Nitze, a hardline former deputy secretary of Defense who had served on the negotiating team, told a closed session of Jackson's arms control subcommittee two weeks ago that a protocol in the agreement limiting the Russians to 950 ballistic missile launchers on their modern submarines had been ambiguous. Nitze, who recently quit the government, claimed that the protocol could have been interpreted to mean that the Russians were entitled to put launchers on 22 older diesel submarines, and therefore could have had another 70 missiles in addition to those stipulated in the treaty. Although Nitze pointed out that the loophole was later closed, Jackson leaked the story that Kissinger had privately promised the Russians that the US would only build up its sea force to 656 missiles rather than the 710 permitted under the five-year span of the treaty. Denying the charges at a press conference four days later, Kissinger produced hitherto classified documents to show that the Russians had indeed conceded to the 950 limit. He further explained that the US had not chosen to increase its strength to the 710 level because it was planning a program to construct the new Trident submarine, and it made no sense to launch older vessels in the interim. Jackson's arguments, Kissinger said, were "totally false in every detail."

But Jackson thought he had a point and countered with the assertion that "the issue is the withholding from Congress and the American people of a secret agreement." Kissinger had in fact realized at the time the limitation was negotiated that the provision or the submarines was fuzzy, and he moved to clarify it after getting back to Washington. He contacted Soviet Ambassador Anatoly Dobrynin, and they reached an understanding on the matter late in July 1972, six weeks after the original accord had been signed in Moscow. But apparently fearful that he and the President might be accused of having negotiated the treaty too hastily, Kissinger did not disclose his understanding with Dobrynin to senior members of his own arms control staff until nearly a year later, after they had inadvertently learned of it from their Soviet counterparts. Nor did he inform Congress of it until just the other day.

Meanwhile Jackson is stepping up pressure on the administration to compel the Russians to allow larger numbers of Jews to emigrate from the Soviet Union. Here again Kissinger could have blunted the attack had he employed subtler tactics two years ago, when the issue first arose. At that time, perceiving that almost anything concerning the plight of Soviet Jews would arouse congressional sympathy, Jackson mobilized 76 senators behind an amendment that would deny the Russians trade concessions and credits unless they liberalize their emigration policies. Instead of proposing a compromise that might have deflated the Jackson pressure, the President and Kissinger brushed it aside as trivial. Since then it has ballooned into a controversy that is making Kissinger's life miserable. He has been turned, in effect, into Jackson's intermediary with the Kremlin, and his chances of satisfying both the senator and the Russians seem remote. Not long ago, after discussions with Soviet Foreign Minister Andrei Gromyko, Kissinger extracted a pledge that the Russians would authorize the departure of 45,000 Jews a year and cease their harassment of those applying for exit visas. Jackson rejected that, insisting that the figure be closer to 100,000 and demanding that specific categories of Jews be permitted to leave. Given his present mood, there is no reason to believe that Jackson will retreat as the 1976 presidential campaign draws nearer.

Underlying Jackson's offensive is a key question: what is Congress' proper role in the negotiating of foreign agreements? Nobody would deny the Senate's responsibility to advise and consent. But by attempting to lock the President and Secretary of State into a position which in effect binds all trade discussions to precise Soviet concessions on emigration, Jackson is seeking to tie negotiations with another great power to that power's willingness to do as we say it should within its own borders—a demand which this government would rightly consider intolerable if the tables were turned. In that respect he is little different from the fringe of congressmen who view America's dealings abroad through the eyes of their ethnic constituents. Yet this is inherent in a pluralistic democracy, and Kissinger knows he must come to terms with it.

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Nuclear Aid

President Nixon has agreed to provide Egypt and Israel with nuclear materials and technology for generating electrical power; specifically, a 600 megawatt (MW) light water reactor together with the necessary fuel. These materials are not to be used to make nuclear weapons, but the details of the safeguarding procedures haven't been announced and probably haven't yet been negotiated. Provisional contracts for the fuel were signed last week with the Atomic Energy Commission (AEC), calling for shipment of initial fuel bundles of 115,000 pounds of uranium to each country. About 30 countries have already received nuclear aid from the US.

The Egyptians have never had a reactor that produces a significant amount of power, though the Soviet Union supplied them with an unsafeguarded nonpower-producing laboratory type. Israel has long had a small safeguarded (five MW) research reactor, but the amount of plutonium produced by it is too small to be of any use for a weapons program. The Israelis have also received, from the French, a 30 MW reactor that turns out enough plutonium for about one bomb a year. Details of the French-Israeli arrangements for handling the plutonium have never been made public, but it is generally believed that the spent fuel has been returned to France for processing.

Originally the US monitored its own international programs, including the small research reactor provided Israel. But in the mid-'60s these responsibilities were gradually transferred to the International Atomic Energy Agency (IAEA). When the Nonproliferation Treaty (NPT) was negotiated in 1968, no article was more heatedly debated than the one binding nonnuclear weapon nations to accept IAEA safeguards on *all* their nuclear materials, not just those from abroad. Neither Israel nor Egypt (nor any other Arab country) are parties to the NPT. Each has indicated reluctance to join unless it is assured the other will also.

As a party to the NPT, the US must make certain that all international transfers of nuclear material are under IAEA safeguards. But there is no reason why, given the special dangers in the Middle East, special bilateral provisions cannot be added to provide greater assurance of nondiversion to military uses. While IAEA procedures are improving, they are far from foolproof. It is particularly difficult to be absolutely sure no diversion is taking place in chemical plants for reprocessing spent fuel and in the fuel fabrication facilities. Furthermore the IAEA has no responsibility for physical security to prevent theft of bomb materials.

Each 600 MW reactor of the type to be provided by the US will require about 120,000 pounds of low enriched uranium fuel (two to four percent U-235). There's no serious risk here, for this concentration of U-235 is far too low for use in weapons. Before it can be used for explosives it must be further enriched to about 90 percent, a large industrial operation even with the new centrifuge technique. Centrifuge separation would be beyond Egyptian capabilities, though it might conceivably be carried out in Israel on a very small scale. However if fuel were fabricated in the US, any potential secret diversion of the U-235 can be easily avoided by strictly accounting for all the fuel rods supplied to these countries. Thus the transfer of low enriched U-235 for the reactors does not present significant new opportunities for acquiring nuclear explosives.

The other weapons material, plutonium, which will be produced in these reactors confronts us with another kind of problem, but preventing its diversion from the reactor power plant is a relatively easy task with which both the US and the IAEA have had ample experience. Once in use, the fuel rods containing the plutonium are highly radioactive and extremely dangerous to handle; the prevention of their removal from the reactor itself is monitorable. There should be no difficulty in providing satisfactory physical security for the plutonium while it is in the reactor fuel rods.

The adequacy of safeguards under the new agreements will depend, therefore, largely on what is done with the spent fuel containing plutonium, after it leaves the reactor. Internationally agreed-upon procedures have been worked out for chemical processing plants that separate the plutonium from the radioactive wastes and make it easier to handle, but there are differences of views among scientists on how effective these are. Good accounting procedures can keep possible clandestine diversion below a few percent of the plutonium produced in the reactor. If large quantities of material are processed, however, even a few percent could be significant. A 600 MW reactor produces about 275 pounds of plutonium a year (enough for 20 crude bombs). A small fraction of the material will always be unaccounted for, given the most scrupulous houskeeping. Physical security and specialized analytical techniques can perhaps further reduce the risks of diversion at this fuel processing stage, but absolute assurance is another matter.

The best guarantee that no plutonium is secretly extracted from the reactor fuel is for all fuel to be processed outside the two countries, preferably in the US. Then all that's needed is to make certain that every fuel rod supplied is returned. Such a stipulation should not be onerous to either Egypt or Israel; neither has a large fuel processing plant and it would be economically unsound for either to build one. The US could reimburse each country for the plutonium produced and use it in our own breeder reactor power program. Requiring that all fuel separation and processed plutonium storage be done outside the Middle East would greatly reduce any danger that the material could fall into the hands of terrorists.

The remaining risk would occur after a reactor had

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been in operation for some time. The agreement might then be abrogated and fuel rods within the reactor appropriated. However the plutonium in these could be turned into a weapon only after a delay to allow the radioactivity to decay, and after the chemical separation facilities had been built, and after a nuclear weapon had been designed and fabricated—all of which might take years. Such abrogation would be very provocative, immediately obvious to the world, and almost certainly halt the supply of additional fuel needed to keep the reactor operating.

The recent Indian nuclear explosion, using material manufactured in a Canadian reactor, should not be taken to mean that safeguards against the acquiring of nuclear weapons are impractical. The Canadians supplied their natural uranium-fueled reactor to the Indians under the condition it would be used only for peaceful, not military, purposes, and that any nuclear explosive would fall under this prohibition. The Indians refused to acknowledge this interpretation and evaded this stipulation by describing their nuclear explosion as "peaceful." There is no difference between a "peaceful" and a military explosive, but since the Indians have long since been using native, not Canadian, uranium, the Canadians had no way of stopping this prostitution of their aid. The precedent points up the desirability of including in the original agreements with Egypt and Israel a commitment not to use their reactor for nuclear explosives of *any* kind. There are recent reports that Iran is getting nuclear aid from France—as a step toward acquiring nuclear weapons. If so, and the example is copied elsewhere in the Middle East, it would be disastrous.

As a condition for nuclear cooperation, the US should also ask that Egypt and Israel become parties to the Nonproliferation Treaty. If ratification of the NPT is politically impossible at this time, both countries should at least agree to put all their nuclear materials under international safeguards and reaffirm that they will not introduce nuclear weapons into the Middle East. By dealing with this issue simultaneously with both countries, we should be able to overcome the reluctance of either to move without the other. If all these conditions are accepted, the cooperative programs could reduce rather than increase the risk that nuclear weapons will enter the Middle East. Other nations that might become a source of nuclear assistance to Egypt and Israel would probably not insist on safeguarding procedures as effective as the United States is now in a position to seek. The current agreements are thus an opportunity for the US to reinforce the policy of halting the spread of nuclear weapons. It should not be lost.

Herbert Scoville, Jr.

MR. SCOVILLE *has been assistant director of the Arms Control and Disarmament Agency.*

The Nixon Watch

Kissinger's Threat

Brussels

President Nixon, Gen. Alexander Haig, Press Secretary Ronald Ziegler, Maj. Gen. Brent Scowcroft and Lawrence Eagleburger, the principal State Department assistant who accompanied Henry Kissinger on the Nixon trip to Salzburg and the Middle East, were told repeatedly by the Secretary of State during the weekend preceding his June 11 Salzburg press conference, and with bitter, unmistakable emphasis on the night and morning preceding it, that he was determined to resign if reports and commentaries that seemed to him to impugn what he called his "public honor" did not cease, and if the Senate Foreign Relations Committee did not reaffirm its previously stated confidence in him and in his integrity. Kissinger's display of hurt, anger and emotion in Salzburg was widely described as "a tantrum." It was that in a narrow and literal sense, but it was not the tantrum of Kissinger alone. It reflected and it may have understated the frustration, fear, anger and emotion that at least two White House assistants, Haig and Ziegler, shared with Kissinger and encouraged him to vent in public.

The main purpose of this report is to tell that story rather than to rehash the record and merits of Kissinger's role in the wiretaps that were put upon four journalists and 13 officials, including several of his own National Security Council assistants, between 1969 and 1971, and his role in the broader surveillance operation conducted by the infamous White House "plumbers." Lest I be thought to evade those belabored issues, however, I'll state my reading of the record to date and be done with it.

My judgment is that Kissinger has been obscuring and unduly minimizing his role in the wiretaps and his knowledge of the plumbers operation ever since the rumors about his involvement began to plague him last year. He would have better served himself and the country if in the interest of candor he had overstated his wiretap role and admitted to more knowledge than he probably had of the shoddy activities of his sometime assistant, David Young, in the plumbers business. But nothing in the known record proves or, when appraised calmly and in the whole, substantially suggests that Henry Kissinger has perjured himself or disqualified himself. The very worst of the believable allegations are puny junk when measured against his achievements. The fact they have been taken as seriously as they have been is one of many indicators of the sickling times.

The story told here begins with Kissinger's press conference in Washington on June 6. The Secretary was tired after 33 continuous and wearing days in the

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Middle East. He was proud of what he had accomplished and he expected to be queried with intelligence and respect, in a context of implied though not necessarily explicit acclaim. Kissinger said in Salzburg that he expected and was prepared only for questions about Middle Eastern, European and Soviet diplomacy. If this statement was literally true, and I doubt that it was, it was a serious reflection upon his State Department press advisers, Robert McCloskey and Robert Anderson. Leaked, adverse reports about his wiretap and plumbers roles had been appearing during his absence and were getting sharper when he returned. If he was not told to expect questions on these subjects, he was poorly served. What he had some right to be surprised at was the sheer viciousness of one question and the brutality of a series of other questions.

Kissinger had the misfortune to encounter Peter Peckarsky, aged 27, who represents himself to be the Washington correspondent of *The Tech*, a publication that according to Peckarsky appears twice a week and has a circulation of about 8000, principally on and around the Boston campus of the Massachusetts Institute of Technology. Peckarsky has applied for congressional and White House press credentials and holds temporary credentials, pending a determination that he is entitled to permanent accreditation. He turned up in the White House press room last April and in my intensely biased opinion has identified himself with some of his questions there as one of those characters who mistake their press cards for licenses to abuse, indict and malign public officials who do not enjoy their approval. Peckarsky remarked in a recent question at the White House that James St. Clair, the President's chief Watergate lawyer, is handling the case as if he were defending "a common, ordinary criminal." This is the sort of observation that any journalist has a right to make in print or on the air, in his own name, but not on the privileged but anonymous record of a briefing where the objective should be, but all too often is not, to elicit usable information.

Although many of my colleagues will think me stuffy and reactionary for saying so, I argue that such reporters as Peckarsky and Clark Mollenhoff, the veteran and distinguished brutalitarian who also shook Kissinger at the June 6 press conference, really ought to go back to school for cram courses in journalism, courtesy and the civil rights of other people. At the close of long and complex questions—these journalistic prosecutors tend to long questions—Peckarsky asked Kissinger "whether or not you have consulted and retained counsel in preparation for a defense against a possible perjury indictment?" It was a disgraceful question, not justified by the nominally but not actually contradictory quotations that were cited in the preliminaries to the question, or by anything else in the Kissinger record.

Mollenhoff followed with four bellowed demands that Kissinger acknowledge that he had recommended the wiretaps of his former NSC assistants, a query that was remotely relevant only because Kissinger in his obscuratory folly had obscured but not wholly denied the fact that he did. Kissinger, audibly and visibly disturbed, said that "I did not make a direct recommendation." Having been told by Kissinger and having reported months ago in this journal that the direct recommendations for wiretaps were made by Gen. Haig for Kissinger, I was unable to regard this as a major journalistic triumph.

James Kilpatrick, a columnist, encountered Kissinger at a White House dinner that night and found him fuming and resentful at the treatment he had received at the press conference. At the State Department the next day he was still brooding about it but seemed to his associates to have calmed down. On Saturday morning, June 8, Kissinger taped a television interview with Howard K. Smith and Ted Koppel of ABC. Kissinger understood that about five minutes of the 30-minute interview were to be broadcast the following Friday while he was in the Middle East with the President. He and his press advisers correctly assumed that one passage in the interview was certain to be broadcast. In that passage Kissinger referred in public for the first time to the possibility that he might resign. In a clear though oblique reference to Watergate and its effect upon the conduct of foreign policy, Koppel asked Kissinger: "If you ever felt that foreign policy was being manipulated for the sake of domestic political reasons, what would you do?" Kissinger answered, "I would resign and I would say so publicly," meaning that he would publicly state his reason for resigning. The statement surprised and disturbed some people at the State Department, partly because it was the clearest indication to date that the Watergate situation troubled Kissinger more than he had previously acknowledged, and partly because what amounted to a threat of resignation and the expression of a fear that President Nixon was capable of misusing foreign affairs in a way that Kissinger would not tolerate, was likely to make worldwide news and detract from the President's anticipated triumph in the Middle East. Kissinger himself seemed to his associates to be reasonably calm, however, and the impression at the department was that he had largely recovered from the shock of his press conference.

It was a short-lived impression. Anthony Lake and Morton Halperin, two former Kissinger assistants who had been wiretapped, have filed civil suits that, if pursued, would help to keep the issue in the news for months or years. Bob Woodward, one of the *Washington Post* reporters who had made Watergate a national story, told State Department press officers that he and his partner, Carl Bernstein, were going to do the definitive Kissinger wiretap story and asked for

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the texts of everything that Kissinger had said on the subject. Kissinger heard that Philip Geyelin, a *Washington Post* editor, was saying around town that the *Post* was going to stay with and play up the Kissinger wiretap-plumbers affair and make it a second Watergate sensation. The Sunday *Post* headed its lead editorial "What About Kissinger?" and said it was the duty of the Senate Foreign Relations Committee to recall Kissinger and "do its best to determine whether he spoke the truth." The Sunday *New York Times* reported in a front-page story that Gen. Haig, then Kissinger's deputy at the White House, ordered the FBI to end the wiretaps in question in February of 1971. If true this report and the information on which it was said to be based contradicted Kissinger's sworn testimony last September that he and his office had only indirect contact with the wiretap operation after May of 1970 and had no direct hand in terminating it.

The point that most interests me is that the impact of all this upon Kissinger did not differ greatly from the impact upon some of these officials, notably Gen. Haig and Ronald Ziegler. Kissinger said with mounting agitation that these things could not be happening by coincidence. There had to be "a campaign" against him and there had to be somebody or somebodies directing the campaign. Haig and Ziegler agreed with him. Haig, who is generally considered to be one of the President's calmer and more thoughtful assistants, was especially insistent that a campaign against Kissinger and through him against the President was developing and that something had to be done about it. For a while before the departure for Salzburg, cooler types at State thought Kissinger had been persuaded either to settle for a statement setting forth his version of the disputed events or, preferably, to let the whole thing rest easy while he was in the Middle East with the President and see how matters stood when Mr. Nixon and he returned to Washington. As Kissinger related in Salzburg, he telephoned Sen. Fulbright, chairman of the Senate Foreign Relations Committee, on the Sunday before leaving Washington. Kissinger said that he was going to resign if the reports impugning his truthfulness and honor didn't cease and prepared Fulbright for a letter asking the committee to review the record and say publicly that Kissinger did or didn't have its full confidence. Fulbright perceived that Kissinger was very upset and thought it possible that he was saying things that he didn't really mean and might regret later. But the chairman agreed, rather sorrowfully, to initiate the inquiry and proceed to the public hearing that Kissinger said he wanted.

In news reports and commentaries that followed the Salzburg press conference, much was made of the indication that Kissinger had not told either the President or the assistants with whom he conferred that he was going to say at the press conference that he intended to resign if the critical stories did not ceas and some appropriate body did not clear him c suspicion. It appears to be true that he didn't forewar Haig, Ziegler and others that he was going to say thi publicly. But he had said it in private to them, ove and over. Whether Kissinger said it beforehand an explicitly to the President is unclear. The most tha Kissinger would say about this at the press conferenc was that "I told the President that I should give yo a public accounting and he agreed and we had n further discussion of the matter." It is certain that h had conveyed the message through others. Haig hac told the President beforehand that Kissinger was say ing that he would resign if the allegations continuec and he wasn't cleared. It follows that the Presiden knew what Kissinger had in mind when he authorizec his Secretary of State to hold the press conference.

A theory developed afterward that Kissinger ir his emotion went farther than he'd intended. Accord ing to this theory he had intended to content himsel with saying no more than that he couldn't conduc foreign policy effectively if he remained under the sort of cloud that seemed to him to be gathering over him. The record does not support the theory. At the Salzburg conference, at a later one the same day across the border in Germany and at a still later one in Jerusalem, Kissinger was given repeated opportunities to say he had overspoken himself and to draw back from the threat to resign. In every instance he stuck by what he had said.

An impression that the President was surprised and displeased arose in part from a statement that Ziegler issued on Mr. Nixon's behalf. It said that "the President recognizes Secretary Kissinger's desire to defend his honor" and that "the Secretary's honor needs no defense." This could be read to mean that Kissinger had done something that he didn't need to do and had thereby annoyed the President. I deduce from what I've been told that a more interesting explanation lies behind the statement. The President is said to have received the news very calmly indeed when Haig and Ziegler told him that Kissinger had threatened to resign. Already aware that Kissinger had been saying in private what he had now said in public, the President had made up his mind that he would never accept Kissinger's resignation in the current circumstances. Whether Kissinger knew this when he made the threat is something that I'd like to know and don't know. However that may be, a simple and straightforward endorsement of what Kissinger had said at the Salzburg press conference would have committed Mr. Nixon to accept the resignation when and if it was offered. In order to avoid this unlikely and unwanted prospect, the President resorted to cryptic ambiguity.

John Osborne

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The Silbert-Petersen Puzzle

The spotlight these days is on the impeachment investigation and on the trials of the White House "plumbers" and on the cover-up conspiracy. However the Senate Judiciary Committee's somewhat impromptu review of the Justice Department's original investigation of the June 17, 1972 break-in and burglary deserves almost as much attention. The committee has before it President Nixon's nomination of Earl J. Silbert to be US attorney for the District of Columbia. The promotion of Silbert, who ran the early Watergate inquiry, hinges on how he handled the highly political case. In a broader sense the committee is deciding whether Silbert's conduct during the past two years could or should be followed in the future by career department prosecutors. The approval of Silbert also could be interpreted as clearing former Attorney General Kleindienst and Assistant Attorney General Henry Petersen, Silbert's bosses, from any allegations that they limited or impeded the inquiry during the 1972 election period and into 1973, when the cover-up collapsed from within.

Silbert's position, echoed by his superiors, was that he and the other prosecutors always believed that persons who sat above the original seven Watergate defendants were involved, but that they could not break the conspiracy until they had some convictions and had put those involved back before the grand jury, this time with immunity and the awareness that the length of their prison terms would be affected by their willingness to cooperate. The original prosecutors also have maintained that they had the case broken by the spring of 1973, when they were replaced by Special Prosecutor Archibald Cox.

From my own talks with Silbert and his assistants in February 1973, I seriously doubt they truly believed they would get more information from the convicted Watergate defendants when they were put back before the grand jury—even with immunity. In fact Silbert suggested to me at the time that there was no need to review the original trial transcript and court exhibits. He believed the story was over. He told me and other newsmen what he had told the trial jury—the affair was thought up and run by G. Gordon Liddy, off on his own to gain favor with his bosses.

My review of those original court records and the testimony and documents available since, raises questions about the thoroughness and vigor of the original investigation and the influence Kleindienst and Petersen had on the work of their subordinates.

At about noon, the day after the break-in, Kleindienst was approached at Burning Tree Golf Club by Liddy, who said he had a message from John Mitchell, Kleindienst's predecessor and close friend. According to Kleindienst, he was told by Liddy: "Mitchell has sent me out here to talk to you and he wants these five people who were arrested last night released from jail." Liddy also told him "that some of the people arrested might have some connection with the White House or the Committee to Re-elect the President."

Even with hindsight, I'm not absolutely sure what the response of Mr. Kleindienst, the nation's chief law enforcement official (outside the President), should have been to such a message. Send Liddy to the FBI? Call Mitchell and ask him what was going on? Those seem sensible moves to me, though Kleindienst did neither. In his own words "I was irritated by that visit by Mr. Liddy." So Kleindienst called Petersen and told him to treat the arrested men as he would any others. He did not tell him the rest of Liddy's message, the part about a White House connection. Between him and Petersen there is even a question as to whether Liddy's name was mentioned. Kleindienst has testified he didn't believe Liddy's statement that Mitchell had sent him, because another Nixon committee employee who was present, Powell Moore, waved or gave some sign that Liddy was not being truthful.

Since neither Kleindienst, nor Moore for that matter, told any law enforcement official about Liddy's message and his connection with the break-in, the FBI never got around to Liddy for another 11 days—by which time he had destroyed his files. Kleindienst did, however, tell John Dean, the President's counsel, about the Liddy visit, though he claims he never mentioned it to Mitchell. Kleindienst must have known in effect he was covering up by not pursuing the matter. Almost one year later, when he met with the President to talk about the collapsing cover-up, he said: "You know *from the outset* [italics added] Mr. President, on this one, because of all of us who are involved—our relationship, I determined that I was going to have the broadest kind of an overview." That meant staying away from details and not turning over investigatory leads to proper authorities.

Henry Petersen performed, in Dean's words, as a "good soldier" for the White House during that initial investigation. He passed information on to Dean (then in the White House) about the status of grand jury activities. He agreed to limit the inquiry to the Watergate affair and not let it spread—prior to the election—to campaign funds or dirty tricks. When Dean asked him to try to keep the grand jury from questioning Donald Segretti about money provided Segretti by Mr. Nixon's personal lawyer, Herbert Kalmbach, Petersen dutifully passed on the request. When White House aide John Ehrlichman blew up on August 28, 1972 over a grand jury subpoena for Nixon finance chairman Maurice Stans, Petersen helped design the compromise by which Stans and a handful of White House aides would give their statements in the privacy of a Justice Department office rather than at the courthouse before the grand jury. And when

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the grand jury, not the prosecutors, wanted to hear from John Mitchell directly before handing down their September 15 indictments, it was Petersen who arranged it. According to Petersen he tried for several days in early September 1972 to talk to Mitchell by telephone but could not reach his former boss, who by that time was managing the cover-up. Finally Petersen called Dean at the White House and told him to tell Mitchell that the grand jury did want to hear the former Attorney General, but it had "no great reason; they simply wanted to see if he told the same story as [Jeb Stuart] Magruder did."

If the basic investigation was faulty, however, the prime responsibility must fall on Silbert rather than Petersen or Kleindienst. It was Silbert and his staff who controlled the FBI investigation, who read their reports and suggested follow-ups to leads. And it was Silbert who decided on the information that went to the grand jury, by arranging for witnesses and determining what range of questions would be asked. A few specifics of Silbert's performance are worth reviewing. On July 10, 1972 Alfred Baldwin completed telling his story to Silbert and the prosecutorial staff, with an FBI agent present. Baldwin, a former FBI agent himself, had monitored over 200 Democratic National Committee telephone calls, using a receiver located across the street from the Watergate office building. After the break-in was discovered, Baldwin had taken his electronic equipment to James McCord's home. He had sent a day's wiretap report to the Nixon committee. Baldwin had met and could identify Hunt and Liddy. He participated in an unsuccessful attempt to plant bugging equipment at McGovern headquarters. In short Baldwin's information was highly relevant to the whole Watergate case.

There appears to have been a hesitancy to follow up Baldwin's leads. Why? Although Baldwin identified the phone of Democratic aide Spencer Oliver as the one tapped, no attempt was made to check that phone to see if the bug was still there. McCord's house was not searched for the equipment Baldwin left there.

In mid-August Baldwin's story reached lawyers for the Democratic party in Washington. On August 16, 1972, party chairman Lawrence F. O'Brien told the press that he had information that his telephone had been tapped prior to the June 17 break-in. One week later Baldwin was interviewed by lawyers for the Democratic party. Then O'Brien announced authoritatively that his phone and that of another party official had been tapped, and on September 13 the bug was discovered on Oliver's phone.

Silbert now says he always knew the Oliver bug was the one originally planted by McCord. But the FBI—which earlier claimed to have made a complete search of the Democratic headquarters—nevertheless undertook a full-scale investigation of the "new" bug. Between September 13 and October 2, 1972, 102 Democratic Committee and McGovern campaign workers were interviewed by the FBI trying to prove that the Democrats had bugged themselves! That effort must be compared to only 65 Nixon reelection committee staff members and 21 White House employees who were interviewed in the original Watergate investigation over a period of many months. It was not until October 16, more than a month after its discovery, that the FBI tested the Oliver bug itself and found that it corresponded to the transmitting frequency of the receiver used by Baldwin. Silbert now says he successfully silenced an FBI report that a second crime had been uncovered with the Oliver bug—he even used the Oliver bug as evidence in the trial. But why, when his boss Attorney General Kleindienst went on television and suggested the Democrats had planted the bug, did Silbert remain silent?

Another question. The prosecutors say they were always suspicious of Magruder's story. Silbert reports he informed Magruder in mid-August that he was a potential target of the grand jury. But back up a minute. The original FBI investigation proceeded slowly because GOP lawyers insisted they sit in on the interviews. Silbert agreed. The GOP lawyers arranged who would be interviewed. Such key individuals as Magruder and Herbert Porter were not interviewed for over a month after the original break-in. They were not questioned, in fact, until they had worked out their phony story as to why Liddy had been given $250,000.

Porter was the man who corroborated Magruder's phony story about why Liddy got $250,000 from CREEP, yet he never talked to Silbert until he was inside the grand jury room on August 11. As for the others who could support or tear down Magruder, neither the FBI nor Silbert interviewed two obvious witnesses, Magruder's administrative assistant and his appointments secretary.

The original prosecutors claim to have been suspicious of higher-ups. They held back, however, from looking in the most obvious places for culprits. Compare their handling of two individuals: McCord's wife and daughter were brought before the grand jury and asked where he had hidden the electronic equipment delivered by Baldwin. Thereafter the prosecutors threatened to indict McCord's wife as an accessory if McCord did not turn over the radio receiver and walkie-talkies. McCord complied. Magruder, the supposed target of the prosecutors, was questioned by them for three hours after being kept waiting for three hours, but they didn't threaten anything; they didn't subpoena his records (except one date book). Perhaps Silbert has received more criticism than is justified. But, based on the record, does he deserve a promotion?

Walter Pincus

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Juicing Up Competition

Beyond Antitrust

by Peter Barnes and Derek Shearer

A portrait of Sen. John Sherman (1823-1900) adorned a recent cover of *Business Week*, and inside, the magazine warned that "business almost certainly faces tougher antitrust enforcement and possibly even a new antitrust law aimed at breaking up the corporate giants in the country's basic industries." The same week that John Sherman was being resurrected from the mists of history, *The Washington Post* reported that the Justice Department may revive an 18-year-old lawsuit against General Motors for monopolizing the bus industry. The Justice Department's interest was apparently aroused by a report on the transportation industry released earlier this year by the Senate subcommittee on antitrust and monopoly. The report, written by Bradford Snell, described how GM, often in conjunction with Standard Oil of California and Firestone Tire, purchased over 100 urban transit systems during the 1930s and systematically replaced electric cars with less efficient, more polluting GM buses.

Sen. Philip Hart (D, Mich.), chairman of the antitrust subcommittee, is pushing for legislation that, for the first time, would make market dominance a basis for breaking up large firms in such oligopolistic industries as autos, steel, aluminum, chemicals, drugs, electrical machinery, computers, communications equipment and energy. And the Federal Trade Commission has been virtually racing with the Justice Department to bring antitrust suits against IBM, Xerox, the energy, cereals and tire industries.

Sen. John Sherman, were he alive today, would be both pleased and perplexed—pleased that his famous law of 1890 is still invoked, perplexed by the fact that 84 years after his law was passed, the trusts are more firmly planted than ever. According to the Federal Trade Commission, the top 200 manufacturing corporations now control more than 60 percent of US manufacturing assets; 25 years ago they controlled 48 percent.

The basic problem is that antitrust is a criminologist's approach to economics. It seeks to punish or deter unwanted behavior; it supplies no model of desired behavior. And as in other lines of police work, the prosecution of misconduct is subject to many personal whims and political interventions. ITT is only the latest of many corporate giants that have been dealt with gently for political reasons; many others—GM, for example—have never even been gently attacked. Definitions of illegal antitrust behavior are so vague and the burdens of proof so demanding, that cases can be tied up in court for years, at great expense and with sparse results. Only rarely does a corporate executive go to jail; fines are minimal and tax deductible; the few divestitures that have been ordered have not changed conditions notably in any industry, or brought lower prices. Nor is it readily apparent how, even if stiffer penalties were applied and more lawsuits filed, any substantial economic benefits to the public would be achieved. Even Sen. Hart's new bill, were it to get through Congress, would alter the economy very little. It would establish the *presumption* that corporations with high market dominance are acting in restraint of trade, but this would be a *rebuttable* presumption leading to complex litigation.

Perhaps reformers remain so fascinated by antitrust laws because so many reformers are lawyers. Thurman Arnold, who headed the antitrust division of the Justice Department from 1938 to 1943, believed the antitrust laws actually aided monopoly by satisfying a popular taste for anti-corporate rituals, without changing anything. "By virtue of the very crusade against them," Arnold wrote, "the great corporations grew bigger and bigger, and more and more respectable . . . The reason why these [antitrust] attacks always ended with a ceremony of atonement, but few practical results, lay in the fact that there were no new organizations growing up to take over the functions of those under attack. The opposition was never able to build up its own commissary and its service of supply. It was well supplied with orators and economists, but it lacked practical organizers."

Why not put Arnold's dictum to work? Not abandon the antitrust laws, for without them economic power would concentrate even more rapidly, but build public competitors to giant corporations.

The idea of public enterprise is not new in free-enterprise America; there have been government-built or operated post offices, highways, canals, munitions plants, schools and parks since the earliest days of the republic. More recently there have been public utilities, bus lines, railroads, radio and TV broadcasting, housing developments, hospitals, nuclear facilities and space shuttles. Generally these public enterprises have been in areas of social or military need, or where

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natural monopolies occur, as in electricity and transportation. But why should the definition of natural monopoly be limited to activities where only one enterprise can efficiently perform a needed service? Why not include industries where monopoly or oligopoly conditions exist "naturally," *i.e.*, because of market domination by a handful of large firms?

To the old populists' claim that conventional natural monopolies should be publicly owned because of their power to extort vast profits, the New Deal added the idea of "yardstick" competition. The emphasis was not so much on *direct* competition between the public and private sectors as on *comparative* competition: by getting the government into business, the costs and profits of private corporations could be more accurately assessed, enabling public agencies to regulate more wisely. The Tennessee Valley Authority was the first enterprise billed as a yardstick. Its cheap electric rates cast a disparaging shadow over the high rates charged by private utilities. This didn't do much to lower rates in, say, New England, but in areas TVA served, or threatened to serve, electric rates came tumbling down. TVA did not, however, have the same effect on the fertilizer industry. There TVA chose to use its Muscle Shoals facility for research and development rather than mass production of cheap fertilizer. This more traditional role of a public enterprise—subsidize the private sector, don't compete with it—helped soften TVA's "radical" image.

In the early 1940s there was a flicker of interest in applying the yardstick concept to aluminum. Wartime needs led the federal government to spend millions of dollars building new plants that were owned by the Defense Plant Corporation and accounted for half of US aluminum production. The other half came almost entirely from the Aluminum Company of America, a Mellon-controlled company that was then the target of an antitrust suit. The question arose whether the DPC's aluminum plants should be sold to private industry after the war, or retained under public ownership as Muscle Shoals was after World War I. David Lilienthal wanted at least one plant to go to TVA; Thurman Arnold backed him up, observing that "one TVA aluminum yardstick would be worth a dozen antitrust suits against the Aluminum Company." Other New Dealers advocated an independent public aluminum corporation. In the end, the Surplus Properties Board, headed by Stuart Symington, sold the DPC plants to two family-controlled firms, Reynolds Metals and Kaiser Aluminum. The prewar monopoly thus became a postwar oligopoly.

The yardstick notion has been revived by Sen. Adlai Stevenson III (D, Ill.), who introduced legislation to establish a federal oil and gas corporation with authority to develop oil and gas resources on public lands. FOGC would help the government acquire hard-to-get data on energy reserves, costs and profits; more importantly, it would inject a new competitive force into the cartel-like energy industry. If private oil corporations arranged to limit production and raise prices, FOGC could boost production and hold prices down. The FOGC legislation could be stronger than it now is—Stevenson's version limits FOGC to 20 percent of the oil and gas on public lands, restricts its ability to refine and market directly to the public, and authorizes only $50 million in appropriations.

Now that Washington is again considering yardstick competition, there's no reason it should confine its attention to the energy industry. Competitive public enterprises (CPEs) could play lively roles in all the industries covered by Hart's new antitrust bill. At the least, there ought to be CPEs in the auto, steel, aluminum, drug, banking and insurance industries. These CPEs would not only reintroduce competition into markets that have become comfortably non-competitive; they would also be innovators and public interest watchdogs.

Take the automobile industry. Until faced with competition from abroad, three (or four) firms monopolized the domestic car market. None were keen to produce cars that were small, safe, low-polluting, or obtained good mileage. "The American automobile industry found that large cars provided much higher profits," notes Geoffrey Cowan, a former organizer of Campaign GM. "Innovations in the fields of safety and pollution were not seriously attempted until required by government, and even then the law left the engineering initiative to private industry, which refused to consider capital-intensive innovations such as the stratified charger engine, preferring to settle for marginal low-cost solutions such as the catalytic converter." Cowan favors a public auto company that would produce and market safe, low-polluting and economical cars, and actively promote mass transit.

A public steel corporation would not allow the private steel oligopoly to raise prices when furnaces were running under capacity and great social needs—such as low-cost housing—remained unmet. A public insurance company would offer low-cost, no-fault auto insurance, as do the provincially owned insurance companies of Saskatchewan, Manitoba and British Columbia. (A report in *The Wall Street Journal* a few years ago noted that 93 percent of premium income in Saskatchewan is paid in benefits, compared to 75 percent in the United States.) Life, fire and other policies would be simple and clearly written, so that consumers could understand what they were buying. In the drug industry, where private corporations make notorious super-profits, some form of public manufacturing and/or purchasing corporation could market generic drugs to consumers at much lower prices.

Numerous public enterprises scattered throughout the economy could collectively perform another important function: they could serve as "whistle-blowers" on private collusion. The conspiracy of

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silence that prevails within the noncompetitive private sector is little-appreciated. If the price of fuels rises, for example, private utilities pass on the cost to consumers. Competitive public enterprises would not be so acquiescent. The classic example is TVA's breaking of the electric machinery price-fixing conspiracy in the 1950s, which all the private utilities knew about or suspected—but silently accepted—for years.

Structurally, CPEs need not all be federal corporations modeled after TVA. Some could be jointly owned by the federal and state governments, as Volkswagen in Germany has been. Others could be state or locally owned. North Dakota has had for many decades a state-owned grain elevator system and a state-owned bank. Wisconsin sells cheap state life insurance. City-owned farmer's markets exist in many places; with a little more effort and financing they might give supermarkets a run for their money. In some public enterprises, worker or community representatives could be given seats on the board of directors, and work arrangements could be more democratic. What ought to be avoided, or at least not confused with CPEs, are quasi-public corporations like Comsat that use public capital for private reward, or rescue operations like Amtrak that simply bail out "sick" private industries at public expense. CPEs should be nonsubsidized businesses, competing with private corporations on an equal footing.

The concept of competitive public enterprise is subject to attack as a form of socialism. It is not socialist in the sense that it does not envision state monopolies; it is socialist in that it does envision a limited role for social ownership.

But aren't public enterprises inherently bungling, inefficient, overstaffed and subject to political meddling? Listen to Frank Ikard, head of the American Petroleum Institute, testifying against FOGC: "Twenty years ago a penny would move a postcard from Texas to New York through the government postal service, or a gallon of oil from Texas to New York by tanker. Today, private enterprise still moves the gallon of oil from Texas to New York for a penny, but a postcard costs 8 cents." The post office is bad enough, God knows, but it's an inappropriate whipping boy for those against competitive public enterprise. For one thing, it is a monopoly, or virtual monopoly, and all monopolies, public or private, tend to soften around the midsection. A nonsubsidized public enterprise that was competing in the market with private corporations would be more likely to stay lean.

The record of public enterprise in the electric power industry bears this out. Municipally owned electric companies have consistently undersold privately owned utilities. The federal government's wholesale power producers, TVA and the Bonneville Power Administration, are, as former Federal Power Commission Chairman Lee C. White told a Senate hearing on FOGC, outstanding examples "of efficient operations in the energy field by government." The TVA Act exempts TVA from the civil service laws and requires that employees be hired and promoted on the basis of merit, without any political considerations. This rule has been adhered to for 41 years. The objection that public enterprises might become too political rings particularly hollow when one considers the many ways in which private corporations have used politics and politicians and have benefited from public subsidies.

In other democratic countries, public enterprise has had a decent track record. In Italy publicly owned holding companies maintain controlling interest in over 100 firms engaged in banking, mining, shipbuilding, shipping, chemicals, air transport, radio and television, civil engineering, motor vehicles and industrial equipment. The companies utilize some private capital, and they operate in the competitive market. They have contributed to making the Italian economy internationally competitive and to developing the backward southern region of the country.

In Britain, entire industries—coal, electric power, steel, transportation—were nationalized after World War II and are run by national boards directly responsible to government ministries. (These are, it should be noted, *not* competitive public enterprises of the kind we advocate for the United States.) A Parliamentary Select Committee on Nationalized Industries conducts periodic studies of the performance of state industries; the committee has helped establish the principle that where nationalized industries are required to do something that is against or beyond their commercial interests, they must be compensated by the government. The same principle governs TVA: it receives congressional appropriations for its agricultural, forestry and other programs that are supplementary to electric power generation.

In France the major banks and insurance companies, as well as the Renault auto company, were nationalized after World War II. In some of these firms, management functions are now being moved from Paris to various regional centers. At Renault limited experiments in offering stock to workers and allowing worker participation in management decisions are underway. French public enterprises work with, but are not controlled by, a national planning board.

The United States can learn from these foreign experiences, both good and bad; but we need not limit ourselves to foreign models any more than we need stick to the TVA mold. We have enough imagination to create lively public enterprises that will restore the benefits of competition and give consumers some real choices. How nice it would be to have a public sector that could really keep the private sector on its toes. What a pleasure it would be to purchase products designed with sanity, not profits, foremost in mind.

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Stanley Kauffmann on films

Going Places

(Cinema V)

Going Places begins by kidding its antecedents. One of the most publicized facts about the making of *Breathless* in 1959 was that Godard put the cameraman in a supermarket basket for some shots and wheeled him about for the utmost in "hand-held" freedom. That story became an epitome of New Wave liberation. *Going Places*, made by another young Frenchman 15 years later, begins with (what I take to be) a parody of that story. This new film deals with two young men living free and footloose, and the first thing we see is one of them pushing the other in a supermarket basket—as they chase a plump woman down a street, harassing her teasingly.

Voilà. Not only the stories and stars of past films have become the subject matter of film but even the legends about filmmaking. What's even more to the point, the legends are held up to ridicule. Godard's "liberation" is relegated to almost the same plane of venerable piety as Santa Claus. Marx's remark is being paraphrased: history is *made* to repeat itself as farce, as if to prove that it wasn't what it thought it was the first time.

Bertrand Blier, son of the actor Bernard Blier whose face you would remember if you saw it, made this film from his own novel. It's about two young men (Gerard Depardieu and Patrick Dewaere) who have nothing they want to do except to please themselves. They are lighthearted, but the picture is certainly not—although, paradoxically, there are some funny sequences. They live by crime—burglaries and car thefts—without being professional criminals, getting money by the easiest method when they need it. They toot around France. They bully, overwhelm, abduct women. One young blonde (Mioumiou is the actress' name) becomes their virtual slave. The picture ends with the trio careering along in still another stolen car feeling blissful and illimitable, though we know the men are wanted as accessories to a murder and their free future is going to be brief.

The dynamics of the film is a by-now familiar method in fiction and theater and film: outrage. The two young men are visual embodiments of id on the loose among civilization's discontents. They take what they want whenever they can; they even take one another when they are sexually aroused and no woman is available (thus carrying the Freudian analogy right on into the polymorphous perverse).

The outrage—by them of us, they hope—is worked out in several continually changing keys. First, through comedy, including slapstick: sometimes, after their adventures, there are sharp cuts to the two men running, full tilt, pursued by rightly angry citizenry. Second, through male chauvinism. "Every woman wants it" is their unspoken sexual slogan, "and what's more, will eventually be grateful to you for forcing her." A young nursing mother—sacred madonna image!—is molested by them to the point where she heats up. A 16-year-old virgin begs them to deflower her and thanks them when they leave her. There would almost be a Laurentian element in the film, of wise blood as the one reliable element in the modern world, except that much of the sex action is parodic, not only of sex but also of porno films, and except that women are not treated as orphic media, only as utensils.

Male bonding, rather, is the one truth in the universe. There have been French films aplenty about two pals against the world (*Borsalino*, for instance), but *Going Places* is the first I've seen that resembles the recent American spate that imply fundamental woman-hating, latent homosexuality. (*Scarecrow*, for instance.) These two Frenchmen take turns with the same woman in the same bed, more than once, and also have each other (though one of them vainly protests). It's a man's world, and women are there as a means of communication between men. Jean-Paul Belmondo was a man alone in *Breathless*, a latter-day romantic, and it was this loner's romantic devotion to one girl that cost him his life. These two types wander together, and though they are probably not going to live long, it won't be romance that kills them.

Going Places must be compared, I think, with another recent French film, Eustache's *The Mother and the Whore* (*TNR*, Feb. 16, 1974). Both are not only good, both are important because they signalize change, a *post*-revolutionary change of atmosphere in France. This revolution began, we can say, in the mid-1950s as the then new generation refused the historical burden of history. (In Blier's film his youths wander on a beach past a World War II bunker. It seems startling in its antiquity, almost a relic of the First Punic War.) And that revolution wound down at the end of the 1960s as the combatants learned that there is no such thing as existentialist revolution, only political revolution. You cannot replace something with nothing, and since the new something is only going to have a different set of shortcomings, many young people have either opted for the present something or have simply cut loose from delusions about change, like the people in these two films.

Another parallel between the Blier and Eustache films is their change in filmic ancestry. Many of the New Wave pictures aped or took off from Hollywood. Belmondo in *Breathless* explicitly models himself on Bogart. But the Léaud character in *The Mother and the Whore* is a convoluted derivative from recent French films—convoluted because Léaud himself was in so many of those films. Blier may possibly have been conscious of the new Huck-and-Tom relations in American films when he wrote his novel; if not, his pair prove that an international syndrome now exists. But cinematically there is small reference to the old Hollywood that meant so much to the New Wave. The Blier pair don't grow from Hollywood, they don't even grow from the New Wave—they depart from it. They are out

(continued on page 33)

Films Worth Seeing

Badlands. A young director-writer with a crime epic of the '50s. Flawed but exceptional.

The Conversation. Another young director-writer with a moral parable about an electronic snooper. Also flawed, also exceptional.

The Parallax View. Organized killings of presidential aspirants. Finally disquieting but plentifully zippy.

Wedding in Blood. Veteran director-writer Claude Chabrol, with French crimes of passion. Script flawed, direction superb.

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Demystifying the Presidency

Presidential Power and Accountability
by Charles Hardin

(University of Chicago Press; $7.95)

We have always had trouble with the presidency. From the outset, it was the "dark continent" of American constitutionalism, as Charles Beard observed, lacking the force of historic precedent that helped shape the legislative and judicial articles of the Constitution. Moreover the framers knew that any individual at the epicenter of power tends to aggrandize greater power to himself. "These long-headed statesmen," Felix Frankfurter once observed, "had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power." History has confirmed their conventional wisdom. The failure to define adequately the limits of power has enabled strong Presidents to accumulate an increasing measure of authority for the executive office.

These last years, however, have seen a qualitative jump in presidential power, a shift from accumulation to seizure, a heedless disregard of George Washington's advice that if "the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment . . . Let there be no change by usurpation." Concluding that Congress lacks both the will and perseverance to counter bald executive power, Richard Nixon has recklessly disregarded the fiduciary obligations to posterity and issued a series of challenges that would wake the dead.

Nixon, to be sure, did not invent most of the stratagems and maneuvers now being employed. Rather he drew on theories and actions evolved long before the 1960s. But by institutionalizing them, he has dramatized and exacerbated grievous constitutional and psychic wounds. A host of concerned political and legal commentators recognize that the claims of what Edward Corwin called "the high flying prerogative men" are dubious and that while precedents abound, especially since Franklin D. Roosevelt's administration, presidential power since Nixon has taken a quantum leap.

Charles Hardin's book is a sure-footed critical inquiry, containing mature insights and the old-fashioned kind of intelligence based on solid moral conceptions. But one can, still recognizing its abundant merits, question Hardin's assertion that impeachment emphasizes "legal criminality," or that "party government" (unlike the contemporary political scene) "will provide strong incentives for obedience to a code of political ethics," or that the President is constitutionally able to "make agreements with the force of treaties" or to dispose of "the country's military might" unilaterally—which elevates usurpations into constitutional rights. It is also doubtful whether reliance upon congressional committees is less preferable than trust in party caucuses and party domination over congressional nominees, with their implicitly unrepresentative and elitist character. Hardin's faith in the caucus system was certainly not shared by politicians in the 1820s who wished to implement democratic practices. Nor can we now claim with assurance that each citizen believes himself to be "the sovereign arbiter of all issues." For most people feel a sense of powerlessness, as if things were out of their control.

Hardin makes a first-rate assessment of bureaucratic activity and sabotage. John Kenneth Galbraith and Francis Rourke have made similar, if more elaborate, observations, but this does not lessen the impact of Hardin's devastating assessment of Pentagon power and politics. He is right to worry about the federal bureaucracy, especially in the Pentagon where it is indeed "implicitly dangerous" and insufficiently curbed. But he does not persuade us that the changes proposed would "strengthen the government against the bureaucracy." His comments have something of the academy about them, something unrealistic, ahistorical. For instance he fails to note the obvious; namely that the national security bureaucracy—much like the presidency itself—increased phenomenally during World War II and the Cold War. And since a bureaucracy once established is practically indestructible, one can only hope that when the crisis creating it wanes there will be a shift in the bureaucratic balance of power, returning to pre-war social priorities. It is equally obvious, moreover, that a President can and does develop his own bureaucracy and that it performs functions parallel to existing agencies. Witness for instance the pre-Kissinger State Department, an executive department, which was clearly subordinate to the newly created special assistant for national security affairs. Hardin's solution, then, offers no guarantee—nor can it—that the President in his scheme would not establish a new apparatus, possibly one less encumbered by legal restraints and more slavishly devoted to his needs and will than the old one, if indeed the latter falls into disuse.

Hardin's shrewd, tightly reasoned comments on government infirmities—both congressional inadequacy and burgeoning presidential power—make it difficult to argue with his thesis that major surgery is needed if the Constitution is to once again function effectively. Nonetheless to a believer in constitutional government, in the separation of powers, his solutions are very hard to accept. For he would do nothing less than drastically reshape the entire democratic policy. Believing the presidential system is no longer adequate, Hardin-restructured government would have a strong President, simultaneous four-year terms for President and Congress, a congressional seat for the defeated presidential candidate as well as priority on committees and on the House floor, a slate of 150 at-large congressional candidates, congressional candidates serving as the delegates to the nominating conventions for presidential candidates, abolition of the office of Vice President—all toward the end of giving "the voters a new sense of their function" and an "opposition capable of threatening" the government with defeat at election time. In sum Hardin approaches a quasi-parliamentary polity, while seeking to retain traditional political forms.

It is difficult to swallow such bitter medicine, to believe that a *true* opposition leader in 1950 would have effectively challenged NSC-68, the DOD's magna carta; or the Truman Doctrine, that product of bipartisanship that helped trigger the mystique of national security and the indiscriminate anti-communism that stained both foreign and domestic affairs. It cannot convincingly be argued that Hardin's opposition leader would, unlike his peers, reject "support the President" slogans or Harry Truman's dramatic enlarge-

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ment of the concept of presidential war or the Cold War demonology that swept up nearly every lawmaker in these decades. Or that he would reject appeals for instant response to instant, and manufactured, crises, such as Tonkin Gulf when, after all, only two senators demurred. The Congress of the United States is probably the most powerful lawmaking body in the world. Its failures are fortuitous, not organic. It simply needs more backbone, a readiness to assert its rights and obligations. It requires only Walt Whitman's "large and resolute breed of men" and an extra dimension of vision on their part—and whether the times demand even an irreducible minima of changes, some additional safeguards against executive usurpation, is arguable.

Legislators are largely responsible for their plight, and the nation's. They have granted what is the equivalent of an "item veto" on appropriations to the White House. They have accepted the President's insouciant disregard for the separation of powers, his contempt for the probity of our system of justice, his unconstitutional war and his unconstitutional domestic policies. They have delegated their authority to him in such matters as treaty making, the decision to initiate hostilities, control over military spending and, as Hardin persuasively demonstrates, over the military bureaucracy itself, assisted by a few influential insiders among them.

But the lawmakers can also withdraw what was granted. They did give the 1969 National Commitments Resolution the force of law with the Javits bill. They have ways of implementing the 1973 resolution that executive agreements with Portugal and Bahrein be submitted "as a treaty to the Senate for advice and consent." They can constitutionally withhold military appropriations and equip themselves with expertise comparable to that available to the executive department. They can frame precise legislative guidelines, as D. L. Robinson has recently suggested, instead of fobbing off the tough decisions to the administration by passing vague measures. They can reverse the tendency toward deference to executive judgment in matters of foreign policy since, with the Pentagon papers and the taped banalities taken in tandem, it is no longer possible to argue that the President's thinking in such matters is wiser or more elevated or more intellectually dazzling than that of Congress. It has channels of action that could thwart presidential attempts to seize the power of the purse. Indeed it can restore its equal partnership in warmaking, which was the unmistakable intent of the framers, and repair that balance of power considered essential by our first architects of government.

In our history the inability to control the runaway executive, especially in warmaking power, is a great failure that has not triggered disaster because most Chief Executives have been reasonable and conscientious men, sensitive to such matters as individual rights and the integrity of our system of laws and governance. Hardin might well inquire what would happen when unreasonable and lawless men enter the White House, when, as Justice Davis stated, in holding Lincoln's declaration of martial law unconstitutional, "wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln"? Do we not then need structural changes that would limit and frustrate such presidencies?

But no structural solution seems really viable. All manmade institutions and polities have inherent drawbacks and risk being misused. The best solution, possibly the only efficacious one, is to demystify the presidency, repair the constitutional separation of powers, recall Congress to an exercise of power that lawmakers had forgotten they possessed. Ironically, Watergate is in the process of doing these things. It has prompted a reassertion of legislative prerogative and thereby weakened presidential power. It has reinvigorated and strengthened the inner balance of our democracy. Its legal-moral lessons are slowly percolating downward to the public. "A popular government," James Madison wisely observed, "without popular information or the means of acquiring it, is but the prologue to a farce or tragedy." Watergate, as a learning experience, has demythologized the presidency—so that a healthy skepticism, even some serious disrespect, can be shown the office. People are beginning to think about the executive, and not simply about Richard Nixon; about official ethics, about the degraded standards of honor and duty in our political life. They are becoming aware, as Clinton Rossiter once wrote, that it is necessary, in order to safeguard governmental ethics "to transmit a clear lead downward through his [the President's] chief lieutenants to all who help shape the politics by which we live." Displaying a new attitude toward men in high office, possibly a majority of Americans is now prepared to hold a President to strict accountability for the actions of his lieutenants and even to contemplate the final solution—what Madison has called the decisive engine of impeachment.

Milton Cantor

A Benign Institution?

Time on the Cross: The Economics of American Negro Slavery by Robert William Fogel and Stanley L. Engerman

(Little, Brown; $8.95, $12.50 supplement)

Working below the threshold of public attention and using the mystifying methodology of sophisticated mathematical analysis, historical scholars have recently attempted a fundamental reevaluation of American slavery. With the much ballyhooed publication of *Time on the Cross*, this historiographic phenomenon has suddenly burst into public view. The book has already been widely reviewed and promises to generate years of controversy.

Fogel and Engerman argue that Southern slaveowners were shrewd, enterprising capitalists, driven by the profit motive to create a system of bonded labor that was both more efficient and humane than "traditional" historians had suspected. The authors maintain that slaves were a highly

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profitable investment, compatible with urbanization, that farms using slave labor were more efficient than farms using free labor, that the slave was "harder-working and more efficient than his white counterpart," and that the Southern slave economy could have performed well throughout the 19th century. They further contend that planters provided very well for the material needs of slaves, expropriated only modest amounts of slave income, respected the integrity of slave families, and largely refrained from sexual exploitation of black women.

The conclusions flow from the application of computer-assisted inferential analysis to numerical data culled from probate records, plantation documents, ship manifests, slave-market registers and census figures. Inferential analysis employs mathematical models to achieve approximate measurements on the basis of incomplete information. The authors, for example, use techniques borrowed from demography and population genetics to approximate, from census tallies of mulatto slaves and the current genetic composition of American blacks, the proportion of slave children sired by white fathers.

The authors claim contemporary relevance for their historical conclusions. They suggest that their benign portrait of slavery demonstrates that post-bellum racism, not the devastating experience of slavery, is responsible for the current plight of black people in America. Yet opponents of racism would be well warned not to rely on this analysis. The authors seem unaware that their work is susceptible to alternative racist interpretations. They fail to discuss the role of slavery in generating and sustaining racism, and hardly resolve the controversy over slavery's impact on black personalities. The book includes no analysis of slave culture or of the psychological dimensions of bondage.

Unfortunately most readers will lack the technical skills necessary to comprehend this book's mathematical arguments. They will confront the maddening dilemma of either accepting on faith or rejecting out of hand its conclusions. The authors do not attempt to explain their methodology to lay readers. Indeed by relegating their evidence and methods to a high-priced supplement, they discourage even intrepid readers from evaluating their work. Moreover statements in the main volume are not footnoted to the supplement: frequently the reader must plow through pages of dense prose and equations to ascertain what documentation, if any, is provided for substantive conclusions.

For the past six years I have been deeply involved in the application of quantitative methods to historical problems. It seems to me that the authors generally apply well conceived mathematical models to the best available corpus of quantifiable data. When they do not gather the evidence and design the research themselves, they draw upon respected scholarly work. Fogel and Engerman offer not irrefutable truth, but formidable, historical argument. The unfortunate dichotomy between evidence and conclusion created by these authors will be even more serious if the paperback version of volume I is widely disseminated without the supplement.

Nonetheless there are serious (perhaps fatal) flaws in their presentation and analysis that have not been adequately discussed in other reviews. Although bristling with equations and computer-generated statistics, Fogel and Engerman's study does not unfold with the automatic regularity that is often falsely attributed to mathematical analysis. At every stage, from research design to rhetorical polishing, their work involves the application of intuitive (dare I say, impressionistic) judgment.

A few points can be quickly noted. The authors claim to be correcting the mistakes of "traditional" historians, but fail to identify adversary scholars or specifically outline the areas of disagreement. The main volume includes only shadowy references to "the traditional interpretation" and the supplement a discursive bibliographic essay that concludes in 1956. Moreover volume I fails to signify the admittedly wide variation in the quality of the evidence underlying each finding and volume II provides very uneven documentation. No references, for instance, are offered for the claims that fathers played the dominant role in slave families, that planters employed sophisticated methods of fertilization, cultivation and land management, and that 84 percent of all slaves transported west emigrated with their owners. *Time on the Cross* also presents a static portrait of slavery: it fails to describe changes in slave life and labor, to relate slavery to the sectional crisis of the 19th century and to analyze slavery's long-term effects on Southern social structure and economic development.

More seriously, Fogel and Engerman

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The Rise of Guardian Democracy

The Supreme Court's Role in Voting Rights Disputes, 1845–1969

Ward E. Y. Elliott

Ward E. Y. Elliott contrasts the phenomenal outburst of voting rights reforms in the last decade with earlier reforms and finds the modern actions, though more democratic in inspiration and substance, less democratic in effect. Elliott examines the dismal results of reforms endorsed by social scientists and concludes that they are as much examples of power guiding knowledge as of knowledge guiding power. *Harvard Political Studies.* $15.00

Crimes of Politics

Political Dimensions of Criminal Justice

Francis A. Allen

Francis A. Allen addresses himself to ideological shifts affecting the dimensions of criminal justice, the nature of political crimes, and the significance and problems of political trials. The author refers to some of the trials and prosecutions of political offenders, including some recent celebrated cases. He suggests that some criminal processes be severely limited, that surveillance procedures by police be supervised, and that the exercise of prosecutors' discretion be curtailed. $6.95

HARVARD

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tend to bias their research and rhetoric in support of their conclusions. This problem, for example, critically affects their contentions about the exploitation of slaves, the quality of slave and free labor and the relative efficiency of Northern and Southern agriculture.

The authors badly understate the exploitation of slave labor. They stress that only about 10 percent of a slave's lifetime income was expropriated by the master, but they do not consider the enormous losses resulting from the upper bounds on slave income—even the attainment of lower-middle-class status was foreclosed to all but a few slaves. The authors fail to assess the value of income above subsistence to individuals who could not generally own property, live where they pleased, move about freely after work, or help their children achieve a better life. Moreover in computing the "nonpecuniary" disadvantages of slavery they consider only losses flowing from the requirement to perform gang labor.

Similarly the authors downplay the sexual exploitation of female slaves. They argue that since only a few percent of slave children were probably sired by white fathers, there was little violation of slave women. This finding rests upon extrapolations from both census enumerations of mulatto slaves and "the admixture of 'Caucasian' and 'Negro' genes" in contemporary black populations. Their census calculation, however, admittedly provides only rough estimates of minimum and maximum rates of miscegenation. It does not rule out the possibility that white fathers could have accounted for well over 20 percent of slave births.

The authors' treatment of the genetic data is statistical fantasy. To account for proportions of Caucasian genes among today's blacks, they assume constant rates of miscegenation (hence gene transference as well) for each of the 11.5 generations between 1640 and 1965. Yet during the 17th century virtually all the ancestors of American Negroes still lived in Africa. And during much of the 18th century substantial proportions of Negro ancestors still remained in their native land. Corrections for this oversight can dramatically increase the authors' estimated rates of miscegenation. Moreover Fogel and Engerman do not disclose that scientific estimates of the proportion of Caucasian genes in Negro populations include bands of probable error. The upper ranges of these bands can exceed the authors' figures by well over 50 percent. Finally it is inappropriate to use the black populations studied by geneticists to estimate miscegenation rates; these populations expressly exclude individuals "said to be mixed" and, of course, mulattoes "passing" as whites (see *Science*, August 22, 1969, 762-768 and December 12, 1969, 1353).

Leaving aside these statistical problems, even the authors' estimated rates of miscegenation are perfectly compatible with sporadic sexual encounters between white men and a high proportion of slave women (how many times must a woman be sexually violated before she is exploited?). And given that large groups of slaves were often residentially isolated from all but a few white men, even consistent intercourse between master and slave may not have produced high levels of mulatto births.

Also suspect is the conclusion that exploitation rarely extended to the disruption of slave families. This contention rests upon extrapolations from possibly biased samples and upon an estimating procedure that probably understates the proportion of married women included in slave sales. It also neglects evidence from governmental records (published in Blassingame, *The Slave Community*) that about one-third of slave marriages were severed by masters. Moreover while noting that most slaves were sold "at an age when it would have been normal for them to leave the family" the authors fail to add that it is not normal for children or siblings to leave involuntarily, perhaps never to be seen again.

One of the authors' most audacious claims is that slaves were "harder-working and more efficient than their white counterparts." This conclusion rests upon the finding that slave farms were more efficient than free farms. Yet the coordinated gang system of labor unique to slave farms may have been more efficient than the labor systems of free farms even if individual slaves worked less efficiently and diligently than individual white men. Moreover differences in efficiency may also have reflected differences in such factors as climate, land and crops. For example Fogel and Engerman found slave farms in the Southwest to be more efficient than slave farms in the Southeast, but do not suggest that Western slaves worked better than their Eastern counterparts.

I also question the finding that "large-scale operation, effective management and intensive cultivation of labor and capital made southern slave agriculture 35 percent more efficient" than Northern agriculture. This finding rests upon dubious assumptions about the shares of production accounted for by land, labor and capital and about the productivity of Northern versus Southern land. It also pertains only to a single year and does not adjust for differences in the types of crops produced in each region.

In their concluding chapter Fogel and Engerman scourge liberal historians of the 1950s for portraying slave achievements as lying, stealing, malingering and "tricking the masters into believing that they were contented." They claim that their computers generate a more redeeming portrait of the bondsmen. I wonder. The authors would have us believe that slaves had little thirst for freedom and were easily bought off by bribes and bonuses. Moreover these slaves internalized the mores and morals of the master class, embraced the compulsive work ethic fostered by their owners and obediently followed plantation routine.

Rather than the last word on American slavery, *Time on the Cross* is the opening round of what promises to be a lively controversy. As I have suggested here, the book is seriously flawed, methodologically and conceptually. Considerably more work is required before the full range of its arguments can be reliably evaluated and appropriately modified. Particularly suspect are its attempts to belittle the exploitation of slaves and celebrate the Southern economy. Nonetheless this substantial work poses important challenges for the historical profession. Mathematical techniques obviously can provide considerable insight into a wide variety of significant historical questions. Historians have to develop more balanced responses to technically sophisticated work than kneejerk skepticism or wanton embrace. Yet as disciplines become increasingly technical they tend to devolve into competing subgroups, scarcely able to communicate with each other, much less the reading public. Moreover mathematical analysis often has the insidious effect of dwarfing soft variables—that is factors that cannot be counted or quantified are too readily dismissed as "impressionistic" or "intuitive." History must learn to cope with new social science techniques without losing its ability to comprehend and communicate the broad scope of our experience.

Allan J. Lichtman

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[rony Sans Rust

A Rhetoric of Irony
ɔy Wayne C. Booth

University of Chicago Press; $12.50)

t is gratifying to read so calm and academically mellow a book in days like :hese when so much is hurried and narried and always going awry. But *A Rhetoric of Irony* is hard to review. For besides its saying so much so well, the appeal of the subject matter makes the reviewer, like Jimmy Durante's everybody, want to get into the act.

Take an unforgettable passage on the subject of "why explaining an irony is usually even less successful than explaining an ordinary joke, and why to mistake literal talk for irony is an unforgivable sin":

> *I once had a student who wrote a paper about the joys of deer hunting, including a vivid description of the thrill that "coursed through" his veins as he cut the deer's throat and watched the life dying in those "large, beautiful, child-like eyes." It was evident to me that he was satirizing blood sport. But I found, in what seems now to have been one of the most ineffectual conferences I have ever had with a student, that my ironic reading was to him plain crazy. I made the mistake of lingering over his bloodthirsty phrases, trying to explain to him why I had thought them ironic. But he was simply baffled, as well he might be; to read irony into any one of his statements was to misunderstand his entire perception of what his life and the deer's were all about. Wrestling with irony, he and I were not talking only about "verbal" matters; we were driven into debate about how a man should live.*

Things get still worse if we indeterminately wonder: Suppose Booth had been correct in assuming that the passage was intended to be read ironically; might it not, even so, be worth examining for possible suspect traces of the student's attitude? But speculations of that sort are not Booth's concern. By "rhetoric" he has in mind the ways whereby the use of irony establishes a bond of "communion" between writer and reader. When a sentence would be interpreted one way if taken straight, quite as it says on its surface, and a wholly different way if read with the proper ironic discount, then ironic writer and ironic reader are in league. They share a realm for which the literal-minded are self-excluded. This is what Booth seems to be saying.

Building his method of analytic "reconstruction" by beginning with cases of rudimentary "stable" irony (and at the start they can be as rudimentary as saying "what a beautiful day it is" when the weather is awful), Booth gradually takes us into more and more exacting areas, through "Essays, Satires, Parody," "Ironic Portraits," "Local Instabilities," and for the grand finale, "Infinite Instabilities." Along the way he deals with such related concerns as "Clues to the Ironic," "Learning Where to Stop," "Is There a Standard of Taste in Irony?" and "Reconstructing the Unreconstructable."

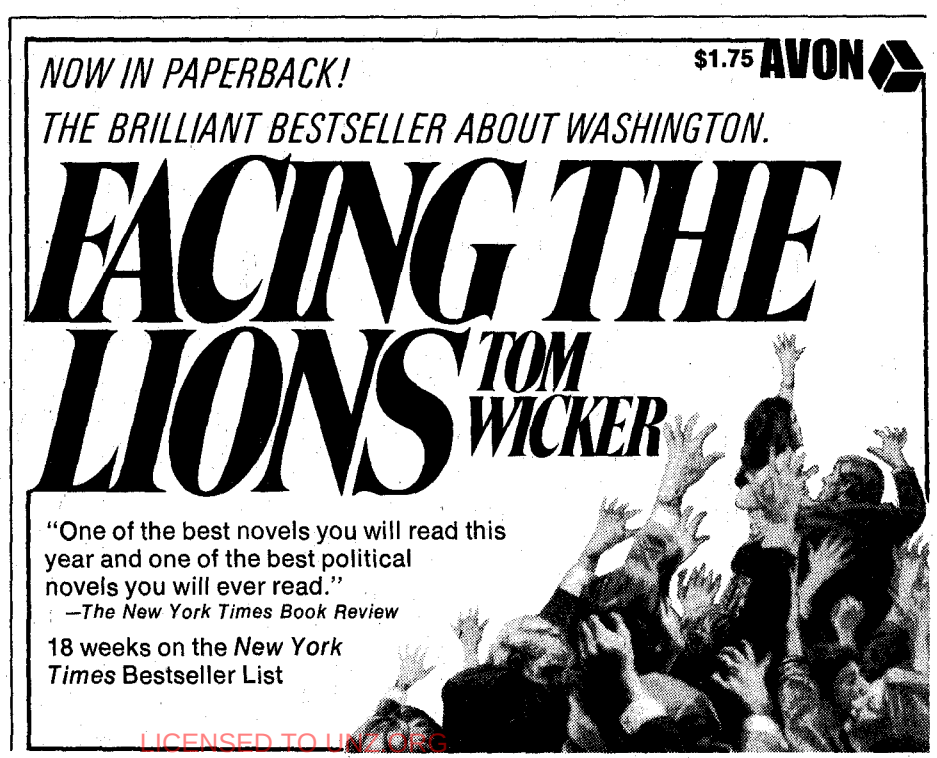
Having led us eventually to such advanced ironics as the novels and plays of Samuel Beckett, Booth uncorks a prize irony of his own, when concluding (persuasively, I think) that Beckett "aspires to the condition not of non-being but of perfect being"—and if Beckett were to "unmask himself" by translating the "covert affirmation" of the values implicit in his writings into "some 'straight' medium, he would sound like Norman Vincent Peale."

Discussing Beckett as a traditional ironist whose "constant running allusiveness to the whole history of culture" makes him vulnerable to "the traditional charge of elitism," Booth further refers to acquaintances who have "identified not with the elitist author but with his vermiform characters," at the price of "hypersolemnity and self-pity and thus of failed comic effects." Even Beckett himself "seems more and more to risk taking himself seriously in this same self-destructive vein," whereas his "major works convey a positively bouncy verve, a joyfully rich inventiveness." But whether it is God or Godot one is waiting for, a writer might come to feel less and less bouncy at the thought that his admirers are loyally waiting for him to be more and more bouncy.

The book has so many interesting considerations of method and so many bits of specific analysis, many quotes would be needed to do it justice. Along with Booth's own highly independent contributions, there is responsive testimony to the works of others. A few passages may serve to indicate the range of the material.

With reference to Kierkegaard's definition of irony as "absolute infinite negativity," Booth says:

> *pursued to the end, an ironic temper can dissolve everything in an infinite chain of solvents. It is not irony but the desire to understand irony that brings such a chain to a stop. And that is why a rhetoric of irony is required*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if we are not to be caught . . . in an infinite regress of negations.

Discussing "the famous scene when Huck, rejecting the voice of his 'conscience,' decides not to turn Nigger Jim back into slavery: 'All right, then, I'll *go* to hell,' " Booth formulates the development thus:

It is upon the convictions shared by Samuel L. Clemens, Mark Twain, and every successful reader that the wonderfully warm moral comedy of Huck's "mistake" is built; it is thus Huck, with his verbal misjudgments and his essential moral integrity, that we read for.

Or he quotes the summing-up of Hegel on the "absolute cunning" of Providence as Supreme Ironist thus:

God lets men do as they please with their particular passions and interests; but the result is the accomplishment of—not their plans but his, and these differ decidedly from the ends primarily sought by those whom he employs.

One tentative "however" keeps nagging at me: Booth's specifically ruling out of his territory the "ironies wrought by the author's unconscious," though he concedes that "a complete rhetoric of irony" would probably include such "deeper communings." One cannot object if, for methodological reasons, Booth explicitly decides that his book will be "about the meeting of conscious minds through irony, not the meeting of the critic's conscious mind with the artist's unconscious." The only objection would be if, under the head of the "unconscious" there are exclusions which do not properly fall under that head. I feel that something of this sort is going on when Booth neglects the sly *sexual* connotations (or "significances") in E. M. Forster's concern with *social* ratings. We have plenty of evidence in Forster's fiction to assume that he was quite aware of such ambiguities in "the snobbery and glitter in which our souls and bodies have been tangled," while "in some other category" there is to be "forged the instrument of the new dawn." Or, turning the whole thing around, what of the fact that we are "unconscious" even of how we contrive to be "conscious"?

Kenneth Burke

No Recovery

Loneliness by Robert S. Weiss & others

(MIT Press; $8.95)

In his foreword to this important book, David Riesman speaks of a distinction that contributors to the volume regularly draw, between "*emotional* isolation, which results from the loss or lack of a truly intimate tie. . . . and *social* isolation, the consequence of lacking a network of involvements with peers of some sort." Subtitled "The experience of emotional and social isolation," put together by Robert S. Weiss of the Harvard University Department of Psychiatry, this book purports to explain to us how we fall subject to the one sort of isolation or the other, and how we can best articulate the emotional needs associated with each condition.

This is no easy matter. Very few people have addressed themselves to the question of loneliness and its attendant material and psychological deprivations. Probably, because we've all experienced loneliness at one time or another, in various degrees of intensity, and because we've known other lonely people, most of us have assumed that the subject has been carefully studied, mountains of data accumulated. Since this is not the case, and since almost everything is carefully studied these days, if only to provide academics with something to do, we might well ask why this should be so.

The answer surely has something to do with the dynamics of loneliness, an unpleasant condition that seems to have little in common with other psychic afflictions beyond the fact that they are all unpleasant. Dr. Weiss observes that in loneliness, "There is no gradual recovery, no getting over it bit by bit. When it ends, it ends suddenly; one was lonely, one is not any more." This is thoroughly unlike the condition of jealousy, for example, in which one grows progressively less jealous with the passage of sufficient time and the assumption of alternate relations. As with lonely people, of course, jealous persons do not always realize that they are headed away from their afflictive condition, but Weiss' point is that in loneliness there is no progress—one is either lonely or not. To speak of being "a little lonely" is to describe a state so temporary, so marginally compelling that it has little to do with the dire condition Weiss' book details. The difficulty in studying so complex a problem is that one's subjects are likely either to be severely afflicted and therefore unable to communicate what they are feeling and how they came to be lonely, or sufficiently distanced from the relevant feelings as to distort their relation to them. Sociological analysis and journalistic reflection are bound to do better in dealing with a phenomenon that occupies something of a middle emotional ground in the subject's experience.

Clearly, or so it seems to me, a psychoanalytic approach to the question would be a lot more promising, but though Weiss mentions Freud here and there, and throws in a couple of stunning observations from the work of Harry Stack Sullivan, there is no such approach in this book. Samplings of more or less random populations selected because of their probable vulnerability to loneliness constitute a very uncertain basis on which to conduct a serious analysis. As a consequence most observations in this book are so familiar and overly generalized as to contribute very little to our sense of the phenomenon under study. In a chapter on "Separation Anxiety" we read: "Nineteen of the 22 unselected widows interviewed were preoccupied with thoughts of their dead husband during the first month of bereavement ('I never stop missing him,' said one); and 12 of them still spent much of their time thinking of him a year later." Or we read: "Crying is, of course, a frequent feature of grief and one which occurred in 16 out of 22 widows when discussing their husbands a month after bereavement." A psychoanalytic approach would focus on individuals, not for occasional illustration of a point, but as the only means to penetrating to the essentials of the phenomenon. To know that 16 out of 22 widows cry for their dead husbands is altogether less important than our knowing the quality of an individual's grief and the terms in which she is capable of expressing it.

To his credit Dr. Weiss understands the limitations in the fragmentary studies he has put together, and acknowledges that his book can be no more than a beginning. It is not just that collectively we have little useful advice to offer lonely people who seek help, but that we do not yet know what kinds of questions might best be asked simply

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o understand the issue at hand. In his onclusion to the book the editor specuates: "It may be that loneliness is inrinsic in the human condition, that here is an irreducible minimum level of risk below which we simply cannot go." Surely a volume that offers to consider the *experience* of loneliness as opposed to its general outlines ought to have pursued such speculations as its primary responsibility. We cannot fruitfully quantify so elusive an experience, which can truly yield only to a sensitive phenomenological investigation of the sort writers like Leslie Farber and Herbert Fingarette have directed at experiences like jealousy and blame.

But the book generates positive insights as well. There is the stress on storytelling as an aspect of learning how to cope with loneliness, whether the sufferer be a widow, a divorcee, an abandoned child, one of the infirm or elderly or whatever. Contributors to the volume point out the necessity of working out an account of one's situation, an account which will, hopefully, eschew nostalgic idealization and accept measured ambivalence. By representing accurately, to themselves and to their friends or associates, what their situations have been and have become, lonely people may address their prospects without false hope and undue gloom. The experience of loneliness is, apparently, quite different for different people, and not everyone will be able to address his particular discomfort in any standard way.

More crucial, I think, are some of the firm positions taken by Dr. Weiss at the conclusion of the volume, when the reader has some data to work with—useless though most of it may be. He recommends, for example, that we refuse to encourage lonely people to cherish their condition. Those, he says, who "treat it as a test of moral fibre or as a vision quest" are unfortunately encouraged to rise above their "genuine feelings. . . . The proposal would have one develop a rather mystical misrepresentation of one's discomforts, alienating oneself from their actual character, and so making it more difficult to deal with them intelligently." Like the good psychiatrist he undoubtedly is, Weiss sees that posturing, even in the interests of a bracing personal authenticity, is merely posturing, and ultimately useless. Loneliness has much to do with feelings of weakness, feelings that may need to be relieved in humble ways one would not ordinarily celebrate. Under genuinely trying circumstances, Weiss explains, the least one can do is to "maintain some understanding and some generosity toward oneself," without playing challenging existential games about courage and authenticity. The capacity fruitfully to engage such concerns is a function of a psychic integration and purposiveness the lonely cannot claim. Readers will do well to take to heart such compelling insights.

Robert Boyers

Bruce Cook on jazz

Duke Ellington's death, just a little over a month ago, deprives American music of one of its great personalities and a great jazzman—some might say the greatest of them all. While none would seriously question his eminence, his position in music was always something of a paradox. For jazz has always been the field for the improvisor, the brilliant soloist, the individual who proclaimed his identity in odd juxtapositions of phrases strung into startling chorus after chorus: in Whitney Balliett's brilliant phrase, the sound of surprise. But Ellington, for his part, seldom soloed as a pianist and never did so with much distinction. His real interest in music simply did not lie in that direction.

He was a composer, an arranger, the leader of a musical organization. He was far more interested in textures and tone, in the total *sound* of his music than in whatever incidental glitter he could add to it as a soloist. As has been said often, Ellington's true instrument was not the piano but the band he led and wrote for. He played on it with the assurance of Louis Armstrong, the delicacy of Art Tatum and the inventiveness of Charlie Parker.

If Duke Ellington's instrument was his band, this was so in large part because the man had a genius for attracting and holding the finest musicians, including some of the greatest soloists, in all of jazz. It was not only remarkable that men like alto saxist Johnny Hodges, tenor Ben Webster, clarinetist Barney Bigard, trumpeters Cootie Williams, Rex Stewart and Clark Terry worked for him, but also that they stayed on and on, some of them for 10, 20 and 30 years.

It was the permanence of the Ellington organization that made the Ellington sound possible. As he remarked once to the English critic Stanley Dance, "a certain sound comes out of a big band. It may be the character given it by a large brass section, or by a particularly skillful group of saxophones. The minute you change the men in the section, it doesn't sound the same, although you may have the same arranger." In the Ellington band the men in the section didn't change very often, sometimes not for a decade at a time. He could write with a particular sound in mind—or variations of that sound—in full expectation that the men who had created it would be around to re-create it several years after that.

Then, too, because he was writing for a specific group of musicians, which included many fine soloists, he quite naturally began to write pieces that would display their individual talents to best advantage. As far back as the '20s he began featuring the now famous growl trumpet of Bubber Miley on a series of weird and angry-sounding pieces that included "Black and Tan Fantasy," "East St. Louis Toodle-oo," and "The Mooche." When Bubber Miley died and Cootie Williams was brought in to replace him, Cootie learned growl trumpet so well that he played all of Miley's old solos and was rewarded eventually by Ellington with solo pieces of his own, such as "Concerto for Cootie" and "Echoes of Harlem," that set off his own more sophisticated style perfectly. So it was with just about

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every member of the band—with baritone saxist Harry Carney ("Prelude to a Kiss"), clarinetist Barney Bigard ("Mood Indigo," "Never No Lament"), and so on. Each had his solo talents and a number or two to show them off.

Duke Ellington was a jazz composer, one of the very few who could really write jazz and not just a setting for it. They say he produced more than 900 musical works of various lengths during his career—and it must be so, for he began as a bandleader back in 1923, leaving his native Washington, DC for New York where he led a band in Harlem that was known, inevitably, as the Washingtonians. This brought him eventually to the long Cotton Club engagement that established him as a bandleader. It amounts to a career of over 50 years in front of a band.

He wrote some lengthy and quite serious concert pieces especially for his band. The most successful of these were his *Black, Brown and Beige Suite* and a suite written to Shakespeare, *Such Sweet Thunder*. They were different from most such ambitious works by composers who worked in the jazz idiom in that they were neither ponderous nor pretentious. Ellington's concert pieces were not in classical style, nor were they in some bastardized form of classical jazz, à la George Gershwin. They *were* jazz.

Toward the end of his career Duke Ellington began to fight shy of the jazz label, not because he was ashamed of it and aspired to something "higher," but because he felt a pinch from labels of any sort. He preferred to speak of "the American idiom." He felt the true artist's fear of being understood too quickly.

Most people, however, knew Ellington best through the many popular songs that he wrote—and perhaps, after all, that was the truest way. The songs are well remembered from that long period from the 1920s through the war years when he was most active. To name a few—"Sophisticated Lady," "Mood Indigo," "I Got It Bad," "Solitude," and "Do Nothing Till You Hear From Me"—is to give a brief catalogue of some of the liveliest and most musically interesting popular songs of that period. They tell us something, too, about the nature of the man and his talent for, like all his best work, they are lyrical and fundamentally romantic in quality. His preference for impressionistic titles, his little arpeggios on piano, his fondness for literary sources—all these were the outward signs of the inward romantic (sentimentalist?) who dwelt very close to that famous sophisticated surface.

Well, romantic or sophisticate, jazzman or specialist in the American musical idiom, there will be no real replacement for Edward Kennedy Ellington, known universally as Duke. The sort of sustained career-long brilliance he offered comes along about once in 100 years or so. And he occupied 75 of them.

Sexual Energy

Flying
by Kate Millett
(Knopf; $8.95)

It is getting crowded these days on the island of Lesbos. One imagines Sappho's shade bewildered by her new disciples. Who can blame her if she murmurs, echoing Marx: deliver me from the sapphists. Something has surely gone awry to set off this chorus of suffering and guilt, this niagara of tendentious prose. Kate Millett's autobiography, for example, a leviathan of self-justification that demands of the reader an analyst's endurance, is a monologue that lasts for 546 pages.

In *Sex Pol*, the nickname by which Millett affects to disparage her first book, *Sexual Politics*, she went beyond the indictment of patriarchy to suggest a sexual utopia. Repression by cultural stereotypes would yield to acceptance of human variety and its possible choices. *Flying* is an unflinching record of her uneasy struggle to practice what she preaches in the trying circumstances of her sudden fame as a leader of the feminist movement. "It had occurred to me," she explains," to treat my own existence as documentary." So began The Book, a domineering project of self-bugging. It is a therapeutic effort to recover her balance during the difficult year in which, with fear and anguish, she repudiated her false image of "nice married lady" in order to proclaim her lesbianism.

Almost accidentally, in the early days of sisterhood, Millett resumed the sexual relationships with women that began in her school days. These affairs were variously unsuccessful. Agoniz ing over her rejection by Celia, she i tempted to return to the straight path "It doesn't work out with women . . . i only works with Fumio" (her Japanes sculptor husband). But she is bound t make it work to vindicate her romanti theories about multiple relationships sex as the completion of friendship love freed from possessiveness. The de tails of her program are rather dauntin for their emotional ambition no les than for sexual energy. Fumio, patientl forbearing, sums it up: "You are livin exaggerated life."

The Book, like a *doppelganger*, nag Millett's days and nights with its tyran nical presence. Notebook in hand, sh scribbles it all down—conversations quarrels, political meetings, memories sex in many places with many people She reports it almost as it is happening seemingly verbatim, with tireless re spect for minutiae. Any embarrassment is the reader's, unless perhaps belatedly for those who approved the use of their own names. The Book sits at Kate's table, sleeps in her bed(s) and sometimes bullies its characters. "Do you know you're in a book?" she asks a friend warningly, who replies: "Of course. Everybody knows you're writing a book, you never shut up about it." Yes. If only she could stop talking!

Acting as one's own Boswell requires a sense that one is eligible for legend. We balk at that, yet why is Millett so likable for all her solipsism? An intelligent, gutsy, loving woman, full of self-hate and a passionate longing for acceptance, her genuine suffering reflects the damaging confusions of American culture in transition. Intellectually she early rejected her Roman Catholic upbringing, but the guilt of mortal sin lingers on. "Are you queer?" she used to ask herself in the mirror. Condemned by her mother, only her mother can grant absolution. She tells Mrs. Millett about The Book. "You're not going to put the awful stuff about lesbianism in it?" She is and she will dedicate it to her, what's more, to prove her mother's love can take her as she is.

Her homosexuality is a heightening of a deeper sense of inferiority, of not belonging. Resentment of her Midwestern Irish origins, and the poverty that sent her to the U instead of an Eastern college, still rankles. Though they cast her out, she clings rather touchingly to her ties with the rich Milletts. Even in her choice of lovers Millett seems to equate bourgeois values with self-worth; their Eastern upbringing, their select school-

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ing, their fair hair symbolize approval by the WASP world. When the book ends, she has found a reciprocally rich relationship with the golden-haired, wholly secure, fascinating Claire. In case we lack either imagination or experience Millett provides explicit celebratory accounts of their physical passion. Society having decreed sexual fulfillment as an index of personal success, she will show us that lesbians, too, can achieve an A-rating on the competitive scale.

Forestalling her reviewers, Millett protests The Book is not literature. She writes with verve and Irish wit; there are brilliantly colored scenes. She can catch character with exactitude. Yet, *Flying* is an assemblage of raw materials that might have been transmuted to literature if the need for catharsis *now* hadn't prevented the play of "that particular detachment" esteemed by Henry James and that he found "so terribly wanting in autobiography, brought, as the horrible phrase is, up-to-date."

Muriel Haynes

Lost Chance

The Movement: A Brief History of the American New Left, 1960-1972 by Irwin Unger

(Dodd, Mead; $5.95)

Looking back, the New Left in the 1960s seems to have been an incredibly optimistic and ambitious assault upon American culture and politics. It began, much as it has ended, in the barren, anti-intellectual politics of Republican dominance. Thus its history seems to confirm the generalization that radicalism is most alive in periods of reform and political innovation. In effect radicalism has always been a part of and symptomatic of larger social movements. Often it simply carries middle-class reform ideals to their highest and most controversial expression. To understand radical politics, then, is to see them as a part of a period's social history.

Professor Unger has produced what will probably become the accepted and conventional history of the New Left. He centers his narrative around three major characteristics of the radicals of the 1960s: their extreme youth, their middle-class backgrounds, their participation in a broad series of movements (fads?) all devoted to personal liberation. This makes his tale ironic because the white, middle-class youths were neither oppressed in the traditional sense of that word, nor unfree. Unger rightfully emphasizes this point and notes the theoretical twist of Herbert Marcuse and C. Wright Mills to accommodate this phenomenon or to make alienated students and youth the keystone of revolutionary theory. The reorientation of politics that occurred pointed away from traditional reform alliances (the New Deal coalition), and forced young radicals to depend upon their own resources. The verdict, with some qualification, is that they botched their opportunities.

Much that occurred in the 1960s sustains such an interpretation, not the least of which was the ideological cannibalism and disorientation that consumed the movement at the end of the period. Revolutionaries of the 1960s were obviously unlike their counterparts of the 1930s. Their predecessors included the Beats in whom they found a hospitable celebration of itinerant and perpetual adolescence. Yet they also looked upon the meagerly armed Vietcong as heroes. Unger suggests that this uncertainty is one reason for the search among the poor, among blacks, and among the victims of American foreign policy for suitable radical allies. No doubt the self-conscious alienation of the New Left helps to explain the procession of poster figure heroes such as Fidel Castro, Ché and Mao. The failure of consistency and clear thought among young radicals is illustrated by the vacillating allegiances given to organizations, leaders and theories that changed with the regularity of semester breaks and summer vacations.

Its affluence, its privileged position in American society and its penchant for guilt have been widely noted about the New Left, even by the movement itself. These characteristics have also become a condemnation of the radicals. Here was the first American generation to grow up in a personal world free from economic insecurity, and yet this gener-

SOLZHENITSYN

"I think that few people having read this book would be the same as when they opened its first page. In this respect, it seems to me that nothing in Russian or world literature can compare with it."
—*Roy Medvedev*

The GULAG Archipelago

Translated by Thomas P. Whitney

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1817

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ation resented and rejected that world.

This stress upon the psychological causes of radicalism tells a good deal about the New Left. But the argument is disarming and politically loaded. It turns Marx against the young Marxists, hinting that their radicalism was inappropriate. It plays upon the odd assumption that the only exploitation that counts is economic exploitation. In this light radicals always appear to be shadow-boxing with authority figures. Thus the demands of student revolutionaries at places like Columbia and Berkeley can be dismissed. They were designed for the sake of confrontation, for the vague goals of radicalization, not to change the university communities.

So the New Left emerges as a cultural revolution, evoked by an existential crisis, by boredom induced by economic security, excessive freedom and lack of parental supervision. So far as it goes, this explanation suggests why the movement was so extraordinarily complex and shifting. But the author accepts too uncritically the newness of the self-proclaimed distance between radicals and the society they challenged. He does not note, as he should, that this is a characteristic of the Protestant millenialism that has been a constant strain in American dissent.

Furthermore Unger risks missing several important points. He overlooks the overwhelming and continuing importance of the black movement as instigator, model and conscience of American radicalism in the 1960s. It could be argued, for instance, that the failure of the white and black movements to unite spelled the inevitable doom of the movement. His interpretation also slights the critique of society that the New Left advanced. If young people were not oppressed economically, they certainly felt a very real political and social oppression, and a fear and tension about world catastrophe that was impressed upon them through popular culture, in school air raid drills, and in political campaigns. And if they did not experience it themselves, the poverty and racism that they saw was still very real. Most surprising for anyone who has lived through that period, Unger's book lacks a feeling for the controversy and anger that the New Left aroused in all sectors of American society. Even the author himself was sufficiently distressed to write an essay criticizing New Left historians in 1967.

Perhaps if the New Left now seems to be an isolated and alienated group of young revolutionaries, it is because they reflected a splintering effect that ran through the whole society. The ideas they pursued were no doubt expressions of widely held social impulses, from a desire for sexual liberation and an end to Cold War hysteria, to a desire for genuine racial democracy. They articulated a widely held bitterness about the unequal distribution of income, and tragically, an obsession with the uses and meaning of violence. Among other things the New Left was a product of the promise and the failure of the New Frontier and the Great Society. It was bred by the enormous optimism of universities in their heyday of expansion and high favor with state legislatures. The New Left tried, but could not escape becoming an image of American society as it was in the 1960s.

James Gilbert

Fine Print

Summer Miscellany

Doris Grumbach

In the easy sloth of the warm months, reading takes on a desultory, almost accidental character. For that reason this week I've read, among other less notable things, a book on chess, a book of sermons and prayers, a book about Venice, two books of photography-cum-text. In the same sleepy spirit I touch upon each of them in cursory fashion:

Reinhold Niebuhr's **Justice and Mercy** (Harper & Row; $5.95), a collection culled from almost 50 years of ministry by his wife, Ursula M. Niebuhr, is sometimes naive in its supplication to the Divine for matters on which men of good will and energy might have had some more direct and immediate effect. But often the sermons and requests to the Lord are both simple and profound. Niebuhr was a theologian who took himself and his ministry seriously: "A preacher is the mediator of God's judgment and also of his mercy." Posthumously his direct address to God is still meaningful and pertinent to his listeners:

> *Endow our leadership with courage and wisdom. Save us from cruelty, hatred, malice. Remind us how dearly our securities are bought, whether in peace or war, at the price of other men's toil and blood. Make a speedy end of the tyrannies of the earth and cast down the mighty from their seats, exalting them of low degree. . . .*

Despite the fact of this collection, Niebuhr's faith in sermonizing was slight. "I am a preacher, and I like to preach, but I don't think many people are influenced by admonition." For this reason he looked to service, the organized and established ritual: "The main virtue of the liturgical church is that it isn't so dependent on the sermon. . . . You have the whole drama of faith portrayed in the liturgy." Confessing that "the preacher borders on the abyss of exhibitionism," he went on to preach some memorable sermons that do not appear to have had that characteristic. Breathing as we all do the very air of corruption, I found his words on "the Burden of Conscience" of special interest. In the sermon he says that "social sensitivity can be derived from the conscience of our individual religious life," a prescient strike at those who have been able "in conscience" to separate public and private morality.

In the summer of '72, the time of the Spassky-Fischer world championship chess tournament in Reykjavik, the best literary reportage of the event was written by George Steiner in the pages of *The New Yorker*. These articles have now been gathered into a handsome book, **Fields of Force** (Viking; $8.95) containing graphically beautiful diagrams of key moments in chess play from Paul Morphy (*vs.* the Duke of Brunswick and Count Isouard, Paris 1855) until the final position of the Spassky-Fischer match. Steiner is not content merely to write a recapitulation of great plays and players. He has used the occasion of The Great Match to report intriguing facts and record his insights into the game itself. Some facts:

> *Something of [the] full horror and harmony of the abysmal depths, of the magic of chess vertigo, can be expressed numerically. The first four moves can lead to 70 thousand different positions. The number of possible ways of playing the first 10 moves on each side is such that if every man, woman and child on the earth played without respite it would require more*

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than 217 billion years to go through them all.

f Fischer he writes:

Even at their most strident, Fischer's egomanias and erratic flings masked a shrewd prudence, a somnambular instinct for safety and advantage at the brink.

nd analyzing the special genius of ıess players:

. . . in only three human pursuits—mathematics, music, chess—have creative results been achieved before puberty . . . All three are nonverbal. They seem to depend on the interaction of highly abstract dynamic relations with a very strong emphasis on spatial grouping.

esides its other virtues as a piece f literate journalism I predict this ıook will win a typographic award as ne of the best pieces of bookmaking his year.

n 1960 James Morris wrote **The World f Venice,** a gracefully executed, sensiive and felicitous exploration of that ity's history, mythology, fables, as well ıs its present decrepit elegance. In his reface to the new edition (1973 in Engand, this month issued here by Harcourt Brace Jovanovich; $8.95) Morris ıdmits he has lost his love for the city ("I have changed since then"), and so ıas the city changed. I find myself wondering why the book's more dated chapters, "New on the Rialto," etc., were not brought up to date by the author who, in the ensuing 15 years, has metamorphosized into Jan Morris. The appearance of the book raises no doubt baseless suspicions that the author's "old" name on the jacket will have a perverse attraction for the readers of *Conundrum* (HBJ; $5.95, which is now selling 2000 copies a week). Still, much of the guidebook-handbook-history makes interesting reading, perhaps because a good part of the information in it has changed less than its author-observer.

Edited by Milton Meltzer and Bernard Cole, **The Eye of Conscience** (Follett) is a book of documentary photographs on subjects that might properly be regarded as requiring social change, photographic statements on tragic human conditions. Ten "committed" photographers, six contemporary and four (Dorothea Lange, Timothy O'Sullivan, Jacob A. Riis and Lewis H. Hine) who are dead, have recorded without sentimentality all the cruel economic inequities, the horrors of war, of old age, of physical disability, poverty and displacement that they witnessed in their time. Whether it is O'Sullivan's graphic, war-weary or dead Confederate soldiers in Virginia (1864) or Hine's 12-year-old exhausted girl-spinner in Georgia (1909) or Ira Nowinski's more contemporary pictures of elderly persons left behind in the Joyce Hotel in California, this collection of what it was—and is—like to be alive and troubled, sick, disinherited, homeless, is a textbook of excellent documentation with a camera. It will remind some readers of the MIT Press' *Is Anyone Taking Any Notice?*, photographs of famine, massacre and war by Donald McCullin (*TNR*, November 17, 1973). When that book appeared its editor and designer Muriel Cooper wrote to warn me that "it is a difficult book to read because of the risk of involvement." Of *The Eye of Conscience* (which parenthetically is an astonishing buy at $6.95 when you see the quality of the text and the reproductions) the same sentence might be written.

Farrar, Straus & Giroux's **Solzhenitsyn, A Pictorial Autobiography** is a kind of picture-handbook to *The First Circle, Cancer Ward, One Day in the Life of Ivan Denisovitch* and *Gulag Archipelago*. The photographs date back to the author at the age of 2½ (1921) and follow him until his appearance at the funeral of Tvardovsky in December 1971. We watch his worried, serious, frowning face grow older, more lined, his hair thin and recede, his beard grow and lengthen, the upright furrow in his forehead deepen, and we read his accompanying words about his life, some written directly as autobiography, some taken from his semi-autobiographical novels. The places he lived, his friends, his children: there are many views here (some new to me) of the writer of whom André Malraux wrote: "The sight of a man saying no with his bare hands is one of the things that most mysteriously and profoundly stir the hearts of men."

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conflicts and joys are personalized, there is a universality in their origins and applications; the reader is haunted by images of recognition and truth.

This is so of Maya Angelou's **Gather Together in My Name** (Random House; $5.95). It is the second volume in the story of her life, a series that she intended to continue "every three years until she is recognized as the contemporary Black Proust." It may be that she will fall short of that avowed ambition but, if one recalls her first successful book *I Know Why The Caged Bird Sings* (1970), and reads this second one, it is apparent that Angelou is keen, sharp, earthy, imaginative, lyrical, spiritually bold, and seems destined for distinction.

The book concerns her travails in California between the ages of 17 and 19 at the end of World War II. She has a beloved illegitimate son, the result of an ignorant, loveless, fleeting affair with a teenage boy. Although her strong, short-tempered mother and troubled brother Bailey love her, they cannot assist her search for identity nor resolve her financial dilemma. Maya, or Rita, as she calls herself in the book, hustles from lover to lover and job to job: short-order cook, madam of a whorehouse, shake dancer, fence and prostitute. Yet she maintains a perspective that separates the sordid from her own self-appraisal and dreams of a better future. The black men she meets are, usually, destructive of themselves and their women; society seems to offer few other options for them. Rita's world is a matrilineal one at the head of which is a beloved, almost mythic grandmother who has raised her until the age of 13 in Stamps, Arkansas, and is a pilaster of security. So Rita scrapes, in these two frantic years, from the bottom to the level at the end of the book when, like Voltaire's Candide, she asserts: "I had given a promise and found my innocence. I swore I'd never lose it again."

Angelou has kept that promise. Besides her autobiographies and volume of poetry, she has toured Europe and Africa for the State Department in *Porgy And Bess*, taught dance in Rome and Tel Aviv, written and produced a musical film, presided as a major figure in the Southern Christian Leadership Conference, adapted Sophocles' *Ajax*, and participated energetically in multiple other activities. A truly remarkable person, she is able to re-create events of her own life and make them seem part of the reader's imaginative experience.

Correspondence

Debate on Abortion

Sirs:

Monsignor McHugh is in error in his assessment of Jewish and Protestant reaction to the position of the US Catholic Conference on the abortion rights issue in his letter to *TNR* of June 22. As head of one of the Protestant organizations that initiated the formation of the Religious Coalition for Abortion Rights, I agree with *The New Republic*'s editorial that the Catholic hierarchy *is* attempting to write "private doctrine into public law"—a doctrine that is not consistent with the beliefs of the major Protestant and Jewish denominations in the country.

The Board of Church and Society of the United Methodist Church welcomed the Supreme Court's 1973 decision, which, rather than imposing a "particular moral viewpoint" on the nation, upheld the right of the individual woman to decide whether or not to terminate a pregnancy in accordance with her conscience, while consistent with sound medical practice. With 21 other religious organizations, we have joined in a coalition dedicated to oppose all efforts to overturn that Court decision—organizations representing a broad spectrum of religious belief in this country.

These religious bodies hold widely differing views on the "morality" of the particular circumstances that justify abortion, and there are also differences among us on the question of when life begins. But the members of the coalition are agreed that in our pluralistic society the state should not embody into law a religious or moral viewpoint on which widely differing views are held by substantial sections of the religious community. For example my own organization, the United Methodist Church, adopted at its 1972 General Conference a statement which holds that,

> *Good social policy, it seems to us, calls for the removal of abortion from the criminal code, so that women in counsel with husbands, doctors and pastors, are free to make their own responsible decisions concerning the personal and moral questions surrounding the issue of abortion.*

My denomination and many others, Protestant and Jewish, do not share Msgr. McHugh's interpretation of tl UN Declaration of Human Rights, tl Declaration of Independence and tl Constitution of the United States. I our view these documents were d signed to protect the rights of huma beings, not to define the beginnir of life.

In quoting public opinion polls, Msg McHugh neglected to quote the resul of a survey conducted by Father Ar drew M. Greeley and William C. M Cready of Loyola University in Ch cago, published in the *National Cathol Reporter* in November 1973, whic showed that among all three religions - Protestant, Catholic and Jewish—". . sympathy for abortion has increased. Moreover the poll showed that Catholic are overwhelmingly willing to approv abortion for reasons of danger to th mother's health (93 percent), rape (7 percent), and the chance of a defectiv child (83 percent).

Finally while questioning the exac amount of the decline of maternal mor tality, Msgr. McHugh failed to addres himself to the main point of the *TNI* discussion of the consequences of a constitutional amendment prohibitin abortion and one that most concern many of my Protestant and Jewish col leagues. If abortion is outlawed, wom en will again be driven to the butcher of the back-alley, criminal abortion. While abortions would be legally denied to all, in practice the amendment would give the right of decision to the well-to-do, but not to the poor, the young or the ill-informed.

Dudley Ward
Board of Church and Society
United Methodist Church

Sirs:

Your editorial of June 22 accurately defined the core of the dispute currently surrounding the abortion issue: "It is not whether abortion is immoral; it is whether it should be illegal." This distinction is critical for any reasoned attempt to determine what kinds of laws, if any, should circumscribe the practice and procedure of abortion. Unfortunately many of the loudest voices opposing abortion and urging that it again be made illegal persist in clouding this distinction by insisting that abortion is the unjustified taking of human life or, in less temperate but more familiar phraseology, "abortion is murder." Such claims by the "Right to

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ife" are strictly a matter of belief, of pinion, and not of unquestionable ct, as evidenced by the medical testi- ony presented thus far before Sen. ayh's Subcommittee on Constitutional mendments.

Aside from how one feels *morally* bout abortion, the *laws* governing bortion should remain tolerant. The ules and regulations governing the erformance of abortion should, of ourse, assure that safety and counsel- ng will be at a maximum. But the fun- amental decision as to who is to have n abortion and for what reasons must emain within the jurisdiction of in- ividual conscience, in consultation vith medical experts and, if desired, piritual counselors.

It is for this reason that I would ques- ion your editorial's last word on this natter of legislating on abortion. To ermit, as the quote from *Commonweal* uggests, "abortion only for serious ause" does nothing to maintain the listinction between the abortion issue s a moral postulate and as a legal ostulate, and raises the same question hat has confronted all attempts to write aws governing abortion: who should decide what constitutes "serious ause"? Your closing statement reveals the significance of this question. That "We would interpret 'for serious cause' quite broadly" is your judgment; it is certain that another's judgment would be to interpret the standard narrowly. How would this matter of interpretation be resolved? And to whose satisfaction?

There exists no universally accepted response to these questions, just as there exists no universally accepted opinion as to what constitutes human life or whether abortion is ever justified. But if the response to these questions is to carry any degree of equity, responsibility and sensitivity, then the response must come from those persons directly involved in the distress of an unwanted pregnancy: the woman and those with whom she wishes to consult.

Gladys Lavender
Religious Coalition for Abortion Rights

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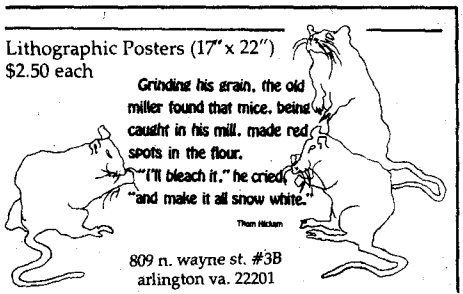
Grinding his grain, the old miller found that mice, being caught in his mill, made red spots in the flour.
"I'll bleach it," he cried, "and make it all snow white."

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Rep. Obey Replies

Sirs:

I thought the article by Stanley Karnow in the June 15 edition of *The New Republic* entitled "The Dilemma of the Dark Horses" was excellent. I do, however, want to correct one error. The article related that Congressman Reuss and I "were commiserating over the likelihood that the Democratic nominee would be either Kennedy or Scoop Jackson, *both of whom they dislike.*"

That is simply not accurate. For myself I think I would be more comfortable with several other candidacies, but both are fine individuals. As I indicated in the interview, I think Scoop Jackson has a marvelous domestic record and I agree with Ted Kennedy on almost every issue I can think of. As far as Henry Reuss is concerned, I know he has had an especially good working relationship with Ted Kennedy.

What we dislike is not the men, but the prospect of a Kennedy-Jackson shoot-out with no other candidates around to pick up the pieces.

Rep. David R. Obey
Washington, DC

A New Breed of Fish?

Sirs:

As a resident of the 25th congressional district of New York I was very interested in Miles Benson's article on Hamilton Fish, Jr. in your June 22 issue ("Judiciary Republican: A New Breed of Fish"). Regrettably Benson provides more in the way of biographical anecdotes than substantive information on Fish's role in the Judiciary Committee, leaving the reader unable to judge the accuracy of his statement that Fish "sounds like the most likely vote for impeachment among the 17 [Republican] members. . . ."

Benson's article follows your account on the same page of the disappointing defeat of Rep. Udall's land use bill on the floor of the House on June 11, helped considerably by President Nixon's strong opposition to the bill (evidence, says Udall, of "impeachment politics"). Mr. Fish, who is generally portrayed as a moderate Republican with a decent environmental voting record, did not appear for this critical vote (one of only 18 representatives to do so) and was said by his office to be "opposed to it in its present form." Yet as important as the bill was as a first step toward rational use of our natural resources, it was an extremely mild measure. One cannot help but wonder whether descriptions of Mr. Fish's "moderate Republican" behavior and critical view of President Nixon are entirely valid.

Michael E. Kraft
Vassar College

Kauffmann, *from page 20*

for nothing, not even nihilism.

One sure goodbye to the New Wave is the episode with the former queen of that wave, Jeanne Moreau. She was the outstanding French film actress of the 1960s, a true sex symbol, not just a pneumatic wench. (In fact her bosom isn't much, as the whole world knows.) Since Malle's *The Lovers* in 1958 through *Jules and Jim* to the present, Moreau has symbolized sexual freedom. Here she plays a woman in her 40s (and looks it, to say the least) just out of prison, whom the two young men pick up because they want a knowledgeable sex partner who is man-hungry. The three share a day and a night. The next morning Moreau wakes up, quietly extricates herself from the sleeping pair, goes into the next room and shoots herself. (The film's one sententious touch is the way

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she does it. She has told us that she ceased to menstruate in prison; she simply dried up. Now she inserts a pistol in herself and fires. The penile and menstrual symbolism are below the worst in Bergman.) I had an image of the sexual revolution of the '60s discovering that it was asynchronous with the '70s, and signing off.

Every time that *Going Places* approaches the assumptive, the glib, the feeling that emptiness is the new chic, it redeems itself, sometimes with cruelty, sometimes with farce, always with conviction. The very fact that it so blithely mixes playfulness with murder and suicide is a demonstration of its integrity, of its apparent belief that comedy and drama and tragedy are outmoded categories, that they require standards of continuity and *telos* to which one can no longer refer. Blier has directed well, the film is crisply edited, the actors are all good (Moreau particularly), and there is succinct guitar music by Stephane Grappelli. I don't imply—or believe—that the attitudes of *Going Places* are universal and mandatory. But they exist, in places besides France too. Blier has filmed them with slash and skill and gallows humor.

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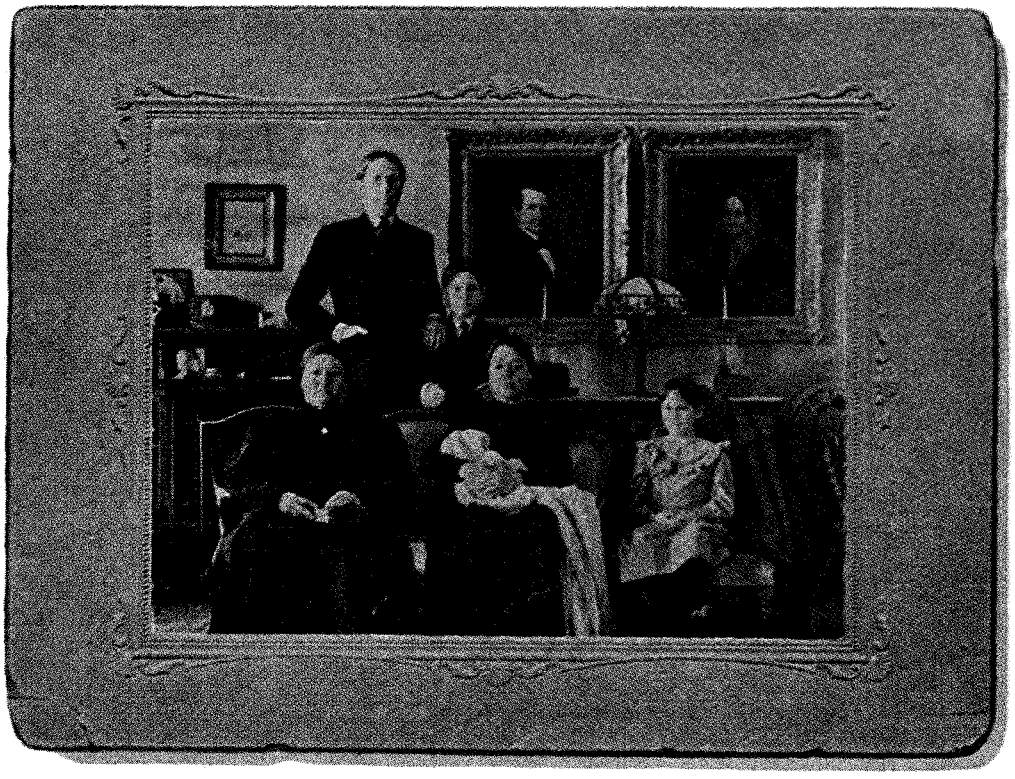

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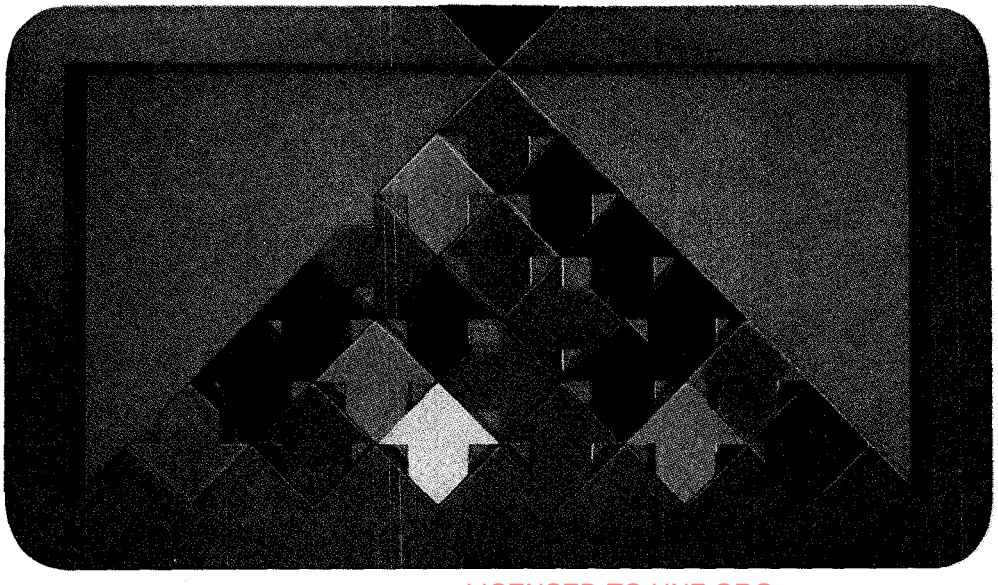

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